

To: Baptist, Erik[baptist.erik@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Gunasekara, Mandy
Sent: Mon 8/14/2017 3:11:58 PM
Subject: FW: Congressman Black - Glider Kits
[Analysis of EPA Authority To Regulate Gliders - 6-16-17.pdf](#)
[Congressman Black 6-16-17.pdf](#)

From: Toomey, Jon [mailto:Jon.Toomey@mail.house.gov]
Sent: Wednesday, June 21, 2017 8:53 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: Burch, Ace <ABurch@mail.house.gov>
Subject: Congressman Black - Glider Kits

Mandy and Alex,

I wanted to flag for you a new memorandum regarding the EPA's authority to regulate gliders. I have also included the Tennessee Tech evaluation of the Phase II Heavy Duty Truck Rule.

Please let me know if you have any questions and thank you for all of your work on this!

Best,

Jon

m. (202) 510-2934

Jon Toomey

Legislative Counsel

Jon.Toomey@mail.house.gov

Congressman Diane Black (TN-06)

1131 Longworth HOB
Washington, DC 20515

202.225.4231 (phone) | 202.225.2887 (fax)

To: McGartland, Al[McGartland.Al@epa.gov]
Cc: Bolen, Brittany[bolen.brittany@epa.gov]
From: Harlow, David
Sent: Tue 10/31/2017 5:33:30 PM
Subject: RE: Connecting on gliders

Understood.

Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks.

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: McGartland, Al
Sent: Tuesday, October 31, 2017 1:32 PM
To: Harlow, David <harlow.david@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Re: Connecting on gliders

Ex. 5 - Deliberative Process

Sent from my iPhone

On Oct 31, 2017, at 1:29 PM, Harlow, David <harlow.david@epa.gov> wrote:

Thank you.

Ex. 5 - Deliberative Process

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: McGartland, Al
Sent: Tuesday, October 31, 2017 1:28 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>; Harlow, David <harlow.david@epa.gov>
Subject: Re: Connecting on gliders

Ex. 5 - Deliberative Process

From: Bolen, Brittany
Sent: Tuesday, October 31, 2017 12:07 PM
To: Harlow, David; McGartland, Al
Cc: Dravis, Samantha; Gunasekara, Mandy
Subject: Connecting on gliders

Al – connecting you with David Harlow. Please send him the updated language when it is ready.

Thank you,

Brittany

To: Bolen, Brittany[bolen.brittany@epa.gov]
From: McGartland, Al
Sent: Fri 10/20/2017 2:02:59 PM
Subject: Re: Leave today

Ex. 5 - Deliberative Process

Sent from my iPhone

> On Oct 20, 2017, at 9:58 AM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

Ex. 5 - Deliberative Process

> Sent from my iPhone

>

>> On Oct 20, 2017, at 9:56 AM, McGartland, Al <McGartland.Al@epa.gov> wrote:

Ex. 5 - Deliberative Process

>>

>> Sent from my iPhone

>>

>>> On Oct 20, 2017, at 9:48 AM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

>>>

>>> I gave it to Bill Nickerson yesterday morning to initiate OP review and I thought he was sharing with relevant OP staff, including you.

>>>

>>> Sent from my iPhone

>>>

>>>> On Oct 20, 2017, at 9:22 AM, McGartland, Al <McGartland.Al@epa.gov> wrote:

>>>>

Ex. 5 - Deliberative Process

>>>>

>>>> Sent from my iPhone

>>>>

>>>>> On Oct 20, 2017, at 9:16 AM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

>>>>>

Ex. 5 - Deliberative Process

>>>>> Sent from my iPhone

>>>>>

>>>>>> On Oct 20, 2017, at 9:11 AM, McGartland, Al <McGartland.Al@epa.gov> wrote:

>>>>>>

>>>>>> If it's ok, I'd like to take annual leave today.

>>>>>>

>>>>>> I'm available. Feel free to call or email.

>>>>>>

>>>>>> Ex. 6 - Personal Privacy

>>>>>>

>>>>>> Sent from my iPhone

To: Bolen, Brittany[bolen.brittany@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]
From: Harlow, David
Sent: Tue 10/31/2017 3:57:19 PM
Subject: RE: Glider NPRM update

I'll be on the lookout for the new language.

Meanwhile, if anyone here has any comments on, or revisions to, the draft I circulated yesterday morning, feel free to pass them along. I wasn't otherwise planning on doing anything further on the draft *sua sponte*.

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Bolen, Brittany
Sent: Tuesday, October 31, 2017 9:28 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Harlow, David <harlow.david@epa.gov>
Subject: Re: Glider NPRM update

Ex. 5 - Attorney Client; Deliberative Process

Thanks,

Brittany

Sent from my iPhone

On Oct 31, 2017, at 9:21 AM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

Looping in Erik and Brittany. Erik, can you follow up on the OGC front and Brittany, can you follow up on OP.

Sent from my iPhone

On Oct 31, 2017, at 8:49 AM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

Mandy, David: we wanted to provide a quick update on what we know about where things stand on the glider NPRM.

Ex. 5 - Attorney Client; Deliberative Process

Please let us know if you have any questions.

Thanks,

Ben

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
Cc: Baptist, Erik[baptist.erik@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]
From: Bolen, Brittany
Sent: Wed 8/16/2017 5:09:27 PM
Subject: Re: Glider response letter (revised draft), plus some other materials

Ex. 5 - Attorney Client; Deliberative Process

Sent from my iPhone

On Aug 16, 2017, at 12:19 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

Ex. 5 - Attorney Client; Deliberative Process

From: Baptist, Erik
Sent: Wednesday, August 16, 2017 12:17 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: RE: Glider response letter (revised draft), plus some other materials

Ex. 5 - Attorney Client; Deliberative Process

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Gunasekara, Mandy

Sent: Wednesday, August 16, 2017 12:11 PM

To: Baptist, Erik <baptist.erik@epa.gov>

Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

Subject: RE: Glider response letter (revised draft), plus some other materials

Ex. 5 - Attorney Client; Deliberative Process

From: Schmidt, Lorie

Sent: Wednesday, August 16, 2017 11:31 AM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>

Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>

Subject: RE: Glider response letter (revised draft), plus some other materials

Mandy

Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

Lorie

Lorie Schmidt

Associate General Counsel, Air and Radiation

Office of General Counsel

US Environmental Protection Agency

(202)564-1681

From: Gunasekara, Mandy

Sent: Wednesday, August 16, 2017 11:03 AM

To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark
<Kataoka.Mark@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>

Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin
<schwab.justin@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Srinivasan, Gautam
<Srinivasan.Gautam@epa.gov>

Subject: RE: Glider response letter (revised draft), plus some other materials

My edits are included in the attached.

Ben, that is a good plan of action. In order to ensure coordination with OCIR and OPA,

shoot us a note when everything is ready to go and then wait for the final greenlight before hitting send.

Please let me know of any questions and/or concerns with included edits.

Best,

Mandy

From: Hengst, Benjamin

Sent: Wednesday, August 16, 2017 9:25 AM

To: Kataoka, Mark <Kataoka.Mark@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>

Subject: RE: Glider response letter (revised draft), plus some other materials

All: here's the current version of the glider letter in redline.

Mandy – please let me know if you are OK with this and we'll get a clean version down through OAR today.

Ex. 5 - Attorney Client; Deliberative Process

Thanks

Ben

From: Kataoka, Mark
Sent: Tuesday, August 15, 2017 5:24 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Glider response letter (revised draft), plus some other materials

Sorry - **Ex. 5 - Attorney Client; Deliberative Process**

From: Kataoka, Mark
Sent: August 15, 2017 5:22 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Glider response letter (revised draft), plus some other materials

Ex. 5 - Attorney Client; Deliberative Process

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Hengst, Benjamin
Sent: August 15, 2017 5:05 PM
To: Baptist, Erik <baptist.erik@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Re: Glider response letter (revised draft), plus some other materials

Hi folks. Please respond with any further edits to the document to this email chain. For some reason Lee's personal email address keeps popping up and it seems easier just to remove it from this chain altogether. Thanks. Ben

On Aug 15, 2017, at 4:26 PM, Baptist, Erik <baptist.erik@epa.gov> wrote:

Attached please find some suggested edits for your consideration.

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Hengst, Benjamin
Sent: Tuesday, August 15, 2017 10:02 AM
To: Baptist, Erik <baptist.erik@epa.gov>; Gunasekara, Mandy

<Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>;
Schwab, Justin <schwab.justin@epa.gov>

Cc: Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Kataoka, Mark
<Kataoka.Mark@epa.gov>; **Ex. 6 - Personal Privacy**

Subject: FW: Glider response letter (revised draft), plus some other materials

Resending with corrected email for Lee Cook, Acting Office Director for OTAQ this week. Ben

Subject: Glider response letter (revised draft), plus some other materials

Hi folks—attached is an updated draft glider response letter for your review.

Please note that OGC career staff have not reviewed the draft letter yet (Mark was out; David is out). I'm copying Mark (who returns to the office today) and Lorie here so they have a chance to look at this as well.

Ex. 5 - Attorney Client; Deliberative Process

We'll move this letter once review has concluded. Thanks, Ben

<HD gliders intent to revisit 8.15.17 ecb.docx>

To: McGartland, Al[McGartland.Al@epa.gov]
From: Bolen, Brittany
Sent: Fri 10/20/2017 1:58:41 PM
Subject: Re: Leave today

Ex. 5 - Deliberative Process

Sent from my iPhone

> On Oct 20, 2017, at 9:56 AM, McGartland, Al <McGartland.Al@epa.gov> wrote:

Ex. 5 - Deliberative Process

> Sent from my iPhone

>> On Oct 20, 2017, at 9:48 AM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

>> I gave it to Bill Nickerson yesterday morning to initiate OP review and I thought he was sharing with relevant OP staff, including you.

>> Sent from my iPhone

>>> On Oct 20, 2017, at 9:22 AM, McGartland, Al <McGartland.Al@epa.gov> wrote:

Ex. 5 - Deliberative Process

>>> Sent from my iPhone

>>>> On Oct 20, 2017, at 9:16 AM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

Ex. 5 - Deliberative Process

>>>> Sent from my iPhone

>>>>> On Oct 20, 2017, at 9:11 AM, McGartland, Al <McGartland.Al@epa.gov> wrote:

>>>>> If it's ok, I'd like to take annual leave today.

>>>>> I'm available. Feel free to call or email.

>>>>> Ex. 6 - Personal Privacy

>>>>> Sent from my iPhone

To: Grundler, Christopher[grundler.christopher@epa.gov]; Charmley, William[charmley.william@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Burch, Julia[Burch.Julia@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Cook, Leila[cook.leila@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Waltzer, Sam[Waltzer.Sam@epa.gov]
Cc: Mylan, Christopher[Mylan.Christopher@epa.gov]; Bynum, Cheryl[bynum.cheryl@epa.gov]; Johnson, Dennis[Johnson.Dennis@epa.gov]
From: Birgfeld, Erin
Sent: Tue 12/5/2017 1:21:24 PM
Subject: Media Coverage of the HD Glider Hearing

Dear HD team,

Below is coverage of yesterday's hearing. Thanks to everyone on the team who organized and helped it go off flawlessly. Please forward to folks I may have missed.

Best regards,

Erin

Volvo, Truck Groups Say EPA Exemption Comes at Their Expense

Posted Dec. 4, 2017, 7:46 AM Updated Dec. 4, 2017, 6:14 PM

By Abby Smith, BNA

- EPA's plan to exempt glider kits from emissions rule undermines investments, Volvo, others say
- Public hearing saw opposition for EPA plan from trucking industry, environmentalists, states

Exempting some trucks from federal emissions requirements mocks the massive investments that companies such as Volvo have made to clean up their vehicles, industry representatives told the EPA.

At a Dec. 4 public hearing, Environmental Protection Agency officials heard little support for the agency's proposal to exempt glider kits from Obama-era greenhouse gas standards for heavy-duty trucks. Glider kits are new truck chassis and cab assemblies built for the installation of a used engine and transmission.

The hearing exposed a split within the trucking industry: While glider kit makers have cheered the EPA's plans—which came at their request—major truck engine manufacturers, including Volvo Group North America, are strongly opposing any exemption for the equipment.

By removing glider kits from the EPA's 2016 regulation, trucking groups say, the agency would allow a small portion of the industry to circumvent emissions requirements at the expense of companies that are complying with federal air quality standards.

Susan Alt, senior vice president of public affairs for Volvo Group North America, said the EPA's proposal "makes a mockery" of the company's investments to develop low-emissions technology and will "hurt a large number of small businesses who are not selling glider vehicles."

The EPA's proposal also could lead to regulatory uncertainty through an "inconsistent patchwork" of federal and state requirements, said Pat Quinn, executive director of the Heavy Duty Fuel Efficiency Leadership Group, whose members include Cummins Inc., FedEx Corp., and PepsiCo.

"These companies value regulatory certainty and rely upon that certainty to both manufacture and operate the cleanest and most fuel efficient heavy duty vehicles in the market," Quinn said.

Circumvent Emissions Limits

Glider vehicles currently make up about 5 percent of the heavy-duty fleet. Both trucking industry and environmental experts said the glider kit market has significantly increased from only a few hundred a year to more than 10,000 in 2015.

That increase reflects "a deliberate attempt to circumvent emissions control requirements," Rachel Muncrief, heavy-duty vehicles program director at the International Council on Clean Transportation, said.

"How would we all feel if 5 percent of trucks didn't have to stop for a school bus or abide by the speed limit?" said Robert Nuss of Nuss Truck & Equipment.

Nuss, who also represents the Volvo dealer network, said glider-kit vehicles typically use rebuilt engines from 1999 or older that often don't include modern pollution controls or comply with safety requirements.

Both trucking industry groups and environmental advocates said the EPA's proposed glider kit exemption represents a "loophole" the agency would create, through a re-interpretation of the Clean Air Act that is contrary to the law.

That re-interpretation "could have implications farther than gliders," said Glen Kedzie, vice president and energy and environment counsel for the American Trucking Associations. He said it would effectively allow some vehicle manufacturers to "avoid all regulations" so long as the engine used in the final truck includes some re-manufactured parts.

Economic Incentive

But Farrell Dale Clark Jr., owner of Kentucky-based glider kits maker D&B Trucks & Equipment, said glider vehicles should "in no way" be considered "new vehicles" subject to the EPA requirements. Clark was one of the few who testified in support of the EPA's proposal at the

Dec. 4 hearing.

Clark, whose company makes 15 to 17 glider kits a week, said glider vehicles can be up to 50 percent cheaper than new vehicles—providing a significant economic incentive for smaller businesses. “That’s our main customer base,” he told Bloomberg Environment.

He said Volvo and Mack Trucks are vocal opponents of the EPA’s plans to exempt glider kits because they do not offer a glider vehicle. “They view it as taking sales away from them.”

Clark also cited recent research from Tennessee Tech University—which the EPA references in its Nov. 9 proposal—that found older engines “were just as clean and some even better than the new ones today.” He said old research didn’t involve tests using the cleaner diesel that the EPA and Energy Department have required since 2006.

Data Credibility

Environmental groups and state officials, however, questioned the credibility of the Tennessee Tech data. Andrew Linhardt, Sierra Club’s deputy legislative director for transportation, said that research has been analyzed by several groups and “been found wanting for not following even the most basic guidelines.”

The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg, the ultimate owner of Bloomberg Environment.

For example, Dave Cooke, senior vehicles analyst for the Union of Concerned Scientists, said the Tennessee Tech research was conducted by Fitzgerald Glider Kits, a major maker of the equipment, using their vehicles. Cooke said the analysis “didn’t use the industry standards’ test cycle” and tried to judge particulate matter emissions “simply by eye.”

Paul Billings, senior vice president for advocacy for the American Lung Association, cited a Nov. 20 report from the EPA showing that glider vehicles emitted 55 times to 450 times higher particulate matter emissions than comparable model year 2014 and 2015 trucks.

The EPA is going “to be very hard-pressed to make the argument that they don’t have the authority to regulate these vehicles,” Linhardt told Bloomberg Environment, adding that environmental groups’ and trucking companies’ attorneys will be “ready to pounce” if the EPA goes ahead with its plans.

The agency is “trying to do a carve-out for one company essentially while the rest of the industry is on board.”

The comment period ends Jan. 5.

Enviros, companies scoff at EPA proposal on rebuilt trucks

Sean Reilly, E&E News reporter

Published: Monday, December 4, 2017



As a public hearing got underway this morning, U.S. EPA's proposal to exempt glider kits from truck emissions standards faced intense criticism from industry and environmental groups. [Sean Reilly/E&E News](#)

This article was updated at 4:41 p.m. EST.

U.S. EPA's proposal to exempt so-called glider kits from last year's heavy-truck emissions standards met a barrage of criticism today from environmental and industry groups that warned at a public hearing that the agency action would penalize new engine manufacturers and threaten public health with more pollution.

A glider kit is a new truck chassis outfitted with a refurbished diesel engine and powertrain. They are essentially rebuilt trucks that use older, higher-polluting engines.

If finalized, the exemption "would benefit a few cheaters at the expense of everyone else," said Dave Cooke, senior vehicles analyst at the Union of Concerned Scientists. "It's absolutely appalling."

Susan Alt, a senior vice president with Volvo Group North America, whose parent company makes Mack trucks, said glider vehicles not only skirt up-to-date emissions controls but also sidestep safety regulations such as electronic stability control.

Advertisement

Several state and local regulators registered opposition, as well. The proposal "would have a profoundly harmful impact on public health" and jeopardize states' efforts to meet national air quality standards, said Steve Cliff, deputy executive officer of the California Air Resources Board.

Some 60 people had signed up to speak at the all-day hearing at EPA headquarters, held in

front of a panel of four officials from the agency's Office of Transportation and Air Quality and the Office of General Counsel.

Of the approximately 30 who spoke before an early afternoon lunch break, only one voiced support for the proposed exemption.

Farrell Clark, who spoke for Kentucky-based D&B Truck and Equipment Sales LLC, appeared to endorse EPA's position that glider kits don't warrant regulation under the Phase 2 greenhouse gas and fuel efficiency rules put in place last year because they are not, strictly speaking, new.

"The only thing new about glider kits is the cab and the hood," Clark said. "The remaining parts of the truck are all used parts."

While gliders make up about 5 percent of all heavy-duty vehicles on the road, their use has been growing exponentially, several speakers said.

In part because they haven't had to comply with air pollution standards, they are about 25 percent cheaper than a new truck. Between 2010 and 2015, annual production of glider kits skyrocketed from less than 1,000 to more than 10,000, according to EPA data ([Greenwire](#), Nov. 27).

After EPA sought to regulate gliders for the first time last year under the Phase 2 rules, the Trump administration last month proposed to exempt them on the grounds that they lack powertrains and are not "motor vehicles."

The proposal came in response to a July petition from Fitzgerald Glider Kits, a Tennessee-based glider manufacturer that hosted a campaign event for Donald Trump when he was running for president last year, and two other companies.

If the rule remains in place, Fitzgerald predicts it will have to lay off 90 percent of its 1,600-strong workforce. No one from Fitzgerald was on the speakers' list at today's hearing.

But Jed Mandel, president of the Chicago-based Truck and Engine Manufacturers Association, said allowing the exemption would open a loophole that would undercut companies that have invested heavily in meeting the new standards.

According to EPA, most gliders use engines built before 2002 that emit nitrogen oxides and particulate matter at levels that are 20 to 40 times higher than current models, said Miles Keogh, executive director of the National Association of Clean Air Agencies. States seeking to meet air quality standards could have to look for reductions elsewhere to offset the added pollution.

That "could potentially mean more regulation and higher costs for stationary sources," Keogh said, possibly including power plants, manufacturers and small businesses.

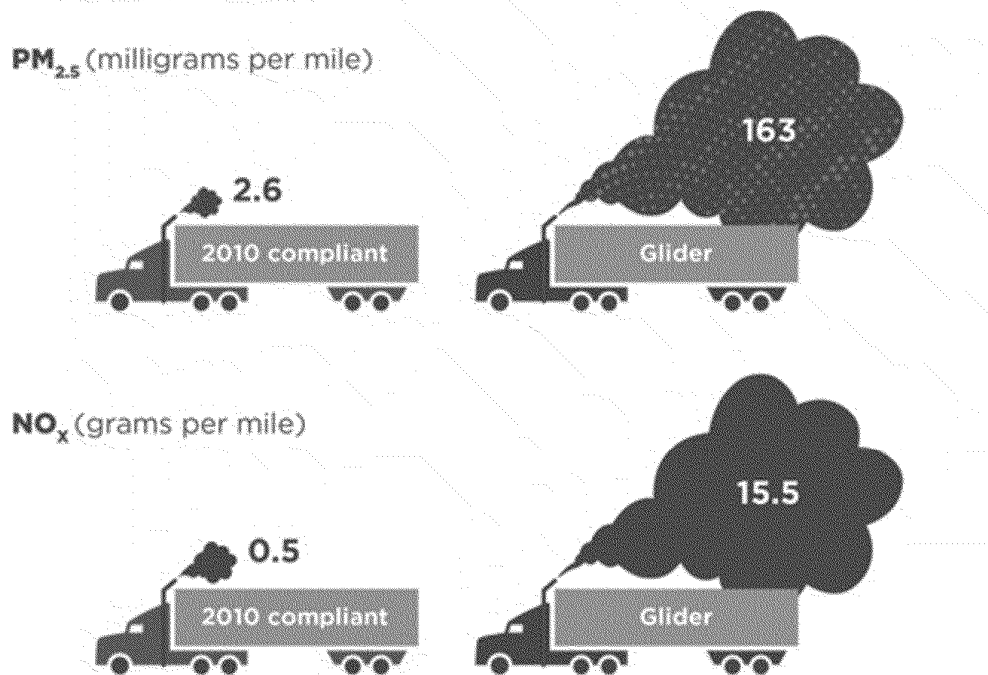
The deadline for written comments on EPA's proposal is Jan. 5.

EPA Proposal to Exempt Gliders from GHG Regs Draws Criticism in Hearing

December 04, 2017

By Deborah Lockridge, HDT Truckinginfo

Per-mile emissions of glider vehicles versus 2010 compliant vehicles



This ICCT graphic shows per-mile emissions of glider vehicles vs. EPA-2010 trucks. Results derived from testing conducted by EPA's National Vehicle & Fuel Emissions Laboratory. Results reflect a 95% weighting of highway activity and 5% weighting of transient activity for a test vehicle with a combined weight of 60,000 pounds.

Opponents of the Environmental Protection Agency's proposal to roll back the glider kit portion of its greenhouse gas emissions regulations testified Monday that the agency is ignoring its own research and that excepting gliders will put truck and engine makers at a significant competitive disadvantage.

A public hearing in Washington, D.C., Monday, was scheduled to gather comment on the EPA's recent proposed rulemaking to eliminate provisions affecting glider kits within the Phase 2 Greenhouse Gas Emissions and Fuel Efficiency Standards, which start to take effect in January.

The Phase 2 rules as written would allow glider kits only for their original purpose, which was seen as reclaiming powertrains from wrecked trucks and reusing them in new bodies and chassis. But the EPA announced earlier this fall a proposal to drop the glider kit portion of the regulation.

Rachel Muncrief, the heavy-duty program director for the International Council on Clean Transportation and a participant in Monday's hearing, called them "zombie trucks," writing in a recent blog post, "Scott Pruitt's EPA is bringing the oldest and dirtiest diesel engines back from the dead—but disguising them in a shiny new host body. How? In the form of the innocuous-sounding glider truck."

The EPA's proposal to undo the glider kit portion of the GHG regs "would undermine investments made in the industry, encourage the use of older, less efficient technologies, and increase smog-forming pollution that harms public health," said Pat Quinn, executive director of the Heavy Duty Fuel Efficiency Leadership Group. This "informal alliance" of companies involved in trucking, including Cummins, Eaton, FedEx, PepsiCo, Wabash National and Waste Management, supports the development of national fuel efficiency and greenhouse gas emission regulations for heavy-duty vehicles.

"Truck and engine manufacturers over the past 10 years have made enormous investments in sophisticated emission control technologies to comply with current emissions standards," Quinn said. "If EPA's proposed repeal of emission requirements for gliders has the anticipated effect of expanding glider production, truck and engine manufacturers will face a significant competitive disadvantage."

Dueling data

Quinn was one of a number of speakers citing EPA's own data. That data, he said, "suggests that gliders have become much more common since 2010, when the agency's latest heavy duty NOx standard took effect, with 'significantly over' 10,000 vehicles in 2015. The agency's data also indicate that 'nearly all engines for recent glider production' are MY 1998-2002 that are not equipped with exhaust gas re-circulation (EGR), which lowers NOx emissions. The re-use of these older powertrains in glider kits also produces elevated levels of PM emissions that significantly exceed current standards and currently certified OEM products. Based upon recent EPA data, glider vehicle NOx levels are four to 40 times higher than current powertrains and PM levels are 50 to 450 times higher."

Dave Cooke, senior vehicles analyst for the Union of Concerned Scientists, also spoke at the hearing. In a blog post published before the hearing, he discussed the research being used in this rulemaking process.

He criticized research submitted by Fitzgerald Trucks, the glider kit manufacturer reportedly behind the push to take glider kits out of the rule. "The tests were paid for by Fitzgerald and conducted using Fitzgerald's equipment in Fitzgerald's facilities," Cooke said. "The results of the tests were incomplete and indicated that the work was sub-standard." Among the shortcomings, he said, were that researchers did not use industry standard testing procedures; did not take samples of soot during testing but only "visually inspected" test probes; and did not test under "cold start" conditions when engines put out the most pollution.

Meanwhile, he said, higher quality data was recently published from EPA testing.

"According to the test results, it appears that these engines actually exceed the legal limits they were initially designed for. This means that the "special programming" of the engine Fitzgerald claims to do to the engines may result in greater fuel economy, but it means greater pollution, too," Cooke writes.

More concerns

Quinn of the Heavy Duty Fuel Efficiency Leadership Group also emphasized the importance of national regulations, saying the group was concerned that repealing the glider provisions “could lead to an inconsistent patchwork of federal and state requirements, producing uncertainty for truck and engine manufacturers and fleets.”

California, of course, would be the most likely state to implement its own rules, and if so, it could be followed by others. Indeed, the California Air Resources Board spoke at the hearing as well.

“This illegal effort by EPA will open the floodgates to allow unlimited numbers of old and dirty trucks to pour onto our streets and highways masquerading as brand new clean trucks,” said Steve Cliff, CARB deputy executive officer.

“The proposed repeal would legitimize the actions of the glider industry, which ... has been blatantly circumventing emission control requirements and undermining the vast majority of businesses that play by the rules and clean up their trucks.”

Cliff and others also said repealing the glider requirements would also be in violation of the federal Clean Air Act. Excluding glider vehicles from the definition of “new motor vehicle,” he said, is inconsistent with the fact that glider vehicles are being manufactured, marketed, and sold as “new” vehicles.

The Diesel Technology Forum, which promotes “clean diesel,” issued a statement on the occasion of the hearing, noting that “the greatest benefits for the environment and for trucking customers lie in the adoption of the new generation of clean diesel technology, which would be slowed if the current requirements regarding glider vehicles were changed.”

“Almost 3 million heavy-duty diesel commercial vehicles introduced in the U.S. from 2011 through 2016 are now on the road, powered by the latest generation clean diesel engines. These trucks have delivered important benefits in the form of cleaner air, fewer carbon dioxide emissions and dramatic fuel savings,” said Allen Schaeffer, DTF executive director. “Over a five-year period, the newest generation commercial vehicles have saved 4.2 billion gallons of diesel fuel, and reduced 43 million tons of carbon dioxide (CO₂), 21 million tons of nitrogen oxides (NO_x) and 1.2 million tons of particulate matter (PM).”

EPA Urged Not to Repeal Rule Regulating Glider Truck Emissions

Transport Topics

Dozens of advocates on Dec. 4 urged the U.S. Environmental Protection Agency not to repeal a provision in the 2016 Obama administration Phase 2 greenhouse gas reduction rule to regulate emissions requirements for glider kits.

In an EPA hearing, roughly 60 people testified that the estimated 10,000 glider kits currently in existence — trucks with new chassis but older remanufactured engines — were among the “oldest, dirtiest, deadliest” vehicles on U.S. highways. They represented trucking trade associations, health and environmental non-profits, private citizens, truck dealers and

manufacturers.

The EPA hearing was held in response to a proposed rule issued last month to repeal medium- and heavy-duty truck Phase 2 greenhouse gas emission and fuel efficiency standards for the glider industry.

“The previous administration attempted to bend the rule of law and expand the reach of the federal government in a way that threatened to put an entire industry of specialized truck manufacturers out of business,” EPA Administrator Scott Pruitt said in a recent statement.

Pruitt said that gliders not only provide a more affordable option for smaller owners and operators, but also serve as a key economic driver to numerous rural communities.

But virtually all of the commenters at the hearing blasted the repeal plan with pitches that ranged from detailing the effects of truck pollution to blunt accusations that Pruitt is more concerned with the health of the glider kit industry than the U.S. population.

A decade ago, glider kits in the U.S. were mostly limited to vehicles that had been in an accident that left the body unrepairable, but the powertrain still intact, Rachel Muncrief, who directs the heavy-duty vehicles program for the International Council on Clean Transportation, told EPA officials.

But in recent years sales of gliders have increased exponentially as a “deliberate attempt by glider kit manufacturers and assemblers to circumvent emissions control regulations,” Muncrief said.

Susan Alt, senior vice president of public affairs for Volvo Group North America, said that these days most glider buyers are not small operators, but often medium and large fleets.

“The EPA recently conducted comparison testing of late model glider vehicles with late model OEM products,” Alt told EPA officials. “EPA found that glider vehicles emitted 43 times more NOx and 55 times more soot in highway conditions compared to today’s low-emission diesel vehicles.”

Glen Kedzie, vice president and energy & environmental counsel for American Trucking Associations, said that by EPA’s own admission, glider vehicles may account for as much as 33% of total NOx emissions from all heavy-duty on-highway vehicles by 2025 if left unchecked.

ATA opposes a repeal of the glider provision, Kedzie said.

“It is well-known that gliders are purchased to save money, avoid maintenance costs and weight penalties, skirt federal excise tax payments, elude the use of engine technologies that virtually eliminate NOx and PM emissions, and to avoid the installation of safety equipment in pre-2000 vehicles under the electronic logging device rule which goes into effect Dec. 18,” Kedzie told EPA officials.

Luke Tonachel, Director of the Clean Vehicles and Fuels Project at the Natural Resources Defense Council, said the repeal of the glider provision would “open a deadly, dirty truck loophole” that could lead to thousands of premature deaths.

“This is astounding and dangerous,” Tonachel said. “Allowing this to occur, completely goes against EPA’s mission to safeguard public health by ensuring that we have clean air.”

Patrick Quinn, executive director of the Heavy Duty Fuel Efficiency Leadership Group, said his organization is concerned that EPA’s decision to encourage the continued growth of the glider industry undermines the significant emissions reduction investments of many motor carriers.

“EPA’s proposed repeal of emissions requirements for gliders has the anticipated effect of expanding glider production,” Quinn said. “Truck and engine manufacturers will face a significant competitive disadvantage.”

“Here we have Scott Pruitt’s EPA trying to pull a fast one on us in plain sight,” said Molly Rauch, public health policy director for the New York City-based Moms Clean Air Force. “As moms who care about our children’s health, we say, ‘No.’ ”

“This is just one part of an all-out assault on public health from EPA. This EPA is showing a support for dirty tailpipes and dirty smoke stacks.”

“The consequences of reversing the common-sense 2016 standards are far from esoteric,” said Rep. Jamie Raskin (D-Md.). “I am baffled and confounded as to why the EPA would even consider repealing such an important, well-designed and effective public health rule.

“I’m mystified as to why EPA would today consider reopening a loophole to allow outdated killer diesel engines to re-pollute our air in the form of glider vehicles. Where is the lobby for turning the clock back to more and more deadly air pollution?”

Opponents decry EPA’s glider kit proposal during public hearing

ATA and others throughout industry say a proposal to exempt heavy-duty gliders from GHG rules would undermine industry investments made and harm public health.

Cristina Commendatore 1, Fleet Owner | Dec 05, 2017

Opponents of the Environmental Protection Agency’s (EPA) proposal to exempt heavy-duty gliders from the Phase 2 greenhouse gas (GHG) rule argued the move would undercut significant investments manufacturers have already made in order to comply with the GHG emissions standards.

During the earlier part of a daylong public hearing on Dec. 4, Pat Quinn, executive director of the Heavy-duty Leadership Group, whose members include Cummins, PepsiCo, FedEx, Eaton, Wabash National and Waste Management, said “making modifications to the glider kit provision would undermine investments made in the industry, encourage the use of older, less efficient technologies, and increase smog-forming pollution that harms public health.”

Related: EPA moves to exempt gliders from GHG rule

The group worked closely with EPA in the development of the Phase 2 rule, which was finalized during the Obama administration.

However, earlier this year, EPA said that gliders should not be regulated as “new motor vehicles” or “new motor vehicle engines” under the Clean Air Act. In November, EPA administrator Scott Pruitt signed legislation to repeal emissions standards for glider kits. He said they provide a more affordable option for smaller owners and operators.

During the hearing, Glen Kedzie, vice president of American Trucking Assns.' (ATA) energy and environmental affairs council, stated ATA members strongly oppose EPA changing the course of the agency's glider provisions.

"U.S. member fleets have worked tirelessly to be both sustainable and environmentally sensitive in their operations," Kedzie explained.

According to ATA, the proposed repeal would circumvent today's emissions standards for diesel particulate matter (PM), NOx and greenhouse gases.

"It's well-known that gliders are purchased to save money, avoid maintenance costs and late penalties, and skirt federal excise tax payments," Kedzie said, adding that ATA member fleets have paid \$31,000 more on average per new truck since 2004 to comply with new emissions rules.

"While the best-run trucking companies in the nation are heavily investing and cleaning up the environment and improving the overall profile of the industry, the glider vehicle industry openly promotes their sale of 'pre-emission' engines and uses the cost savings differential between clean diesel technologies and high-emitting old trucks as a promotional sales pitch," he stressed.

Steven Cliff, deputy executive officer of the [California Air Resources Board](#) (CARB), called the proposal illegal, adding it would have a "profoundly harmful impact on public health."

"The repeal would effectively place thousands of outdated, heavy-duty engines that do not meet modern emissions standards that have been in effect in the last decade on our highways," he said. "In short, a repeal puts our most disadvantaged communities at risk by walking away from the commitment to reduce their exposure to smog forming and toxic pollutants that impact public health, leading to additional hospitalizations, asthma cases, lost work and school days, and premature deaths."

Modern trucks that meet current emissions standards come with diesel particulate filters to capture toxic diesel particulate matter and selective catalytic reduction systems to NOx emissions. Cliff emphasized that reducing diesel PM is important to cut cancer and other health risks.

"Glider builders have been circumventing the requirements for these important emissions controls by using pre-2007 remanufactured engines, misusing a loophole in the provisions to sell thousands of dirty trucks each year with completely uncontrolled emissions," Cliff pointed out.

Congressman Jamie Raskin of Maryland remarked that he was "baffled and confounded" as to why the EPA would consider repealing this rule. Raskin noted that after one of the largest manufacturers of gliders, Fitzgerald Glider Kits, located in Tennessee, failed to secure a legislative repeal of the glider kits rule via the annual appropriations process, Fitzgerald's owners met directly with Pruitt this past May.

According to Raskin, Fitzgerald's petition included new information on glider vehicle criteria pollutant emissions which purported to show that glider vehicles were less polluting than non-glider vehicles.

Though opponents of the exemption came out in droves – at least during the earlier part of the hearing – glider builder, trucker and owner of [Clarke Gliders](#) said he fully supported the proposal.

"Glider engines, glider kits and glider vehicles are used parts that still have adequate life in them," Clarke explained. "By recycling gliders, we can further the life of the existing parts that are so costly to buy new."

In his comments, Clarke stressed that the only new parts in a glider kit are the cab and the hood; the remaining parts of the truck are all used parts.

"In no way should a glider be considered a new truck, subject to the new emissions rules set forth in August 2016 because all major components are used and already exist," he explained.

Clarke referenced a study recently conducted by Tennessee Tech University (TTU) comparing NOx levels in older engines versus new engines. He said the study found that older engines are just as clean – and some even better – than the new ones today, mainly due to cleaner sulfur content.

Cliff, however, in his comments, noted that TTU study is “invalid and lacks scientific credibility.” In addition, Raskin had this to say about the study: “It is important to note that the study, run by Tennessee Tech University, has been criticized by experts for its poor and shoddy quality and has provoked serious ethical questions about the university’s academic independence and its cozy relationship with Fitzgerald,” he stated, adding that the study was done at Fitzgerald’s request and paid for with grant money from Fitzgerald.

But during his presentation, Clarke also cited a Nov. 15 statement released from Pruitt that encouraged Americans to recycle more. Clarke claimed that according to most recent data from 2007, recycling and reclaimed and reused activities created more than 750,000 jobs and \$6.7 billion in tax revenues.

“We really should be thanking our glider builders,” he urged. “We should be encouraging every trucker in this country to use a glider, or should I say a recycled truck. This is exactly what we do in our business. We recycle old trucks, not only do we create hundreds of jobs, we save our trucking industry thousands of dollars.”

EPA estimates that about 10,000 gliders are manufactured annually and make up about 5% of the entire Class 8 truck market. However, the agency previously said gliders could account about one-third of all nitrogen oxides and particulate matter emissions from the sector.

Written comments regarding the proposed repeal will be accepted until Jan. 5.

Glider: A loophole for ‘dirty trucks’ or savings for truckers?

American Trucker

Cristina Commendatore | Dec 04, 2017

The Environmental Protection Agency (EPA) got an earful during its Dec. 4 public hearing on its proposal to exempt heavy-duty glider vehicles, glider engines, and glider kits from the Phase 2 greenhouse gas emissions rule.

During the earlier part of the daylong hearing, those who oppose the move referred to it as a loophole for “dirty trucks.” But advocates of repeal touted savings for smaller trucking businesses.

Steven Cliff, deputy executive officer of the California Air Resources Board (CARB), called the proposed repeal illegal, adding it would have a “profoundly harmful impact on public health.”

“The repeal would effectively place thousands of outdated, heavy-duty engines that do not meet modern emissions standards that have been in effect in the last decade on our highways,” he said. “In short, a repeal puts our most disadvantaged communities at risk by walking away from the commitment to reduce their exposure to smog forming and toxic pollutants that impact public health, leading to additional hospitalizations, asthma cases, lost work and school days, and premature deaths.”

Modern trucks that meet current emissions standards come with diesel particulate filters to capture toxic diesel particulate matter (PM) and selective catalytic reduction systems to NOx emissions. Cliff emphasized that reducing diesel PM is important to cut cancer and other health risks.

“Glider builders have been circumventing the requirements for these important emissions controls by using pre-2007 remanufactured engines, misusing a loophole in the provisions to sell thousands of dirty trucks each year with completely uncontrolled emissions,” Cliff pointed out.

He also noted that a Tennessee Tech University (TTU) study that depicts gliders as clean is “invalid and lacks scientific credibility.”

According to Pat Quinn, executive director of the Heavy-duty Leadership Group, whose members include Cummins, Pepsico, FedEx, Eaton, Wabash National Corporation and Waste Management Inc., “making modifications to the glider kit provision would undermine investments made in the industry, encourage the use of older, less efficient technologies and increase smog-forming pollution that harms public health.”

The group worked closely with EPA in the development of the Phase 2 rule, providing technical input with the goal of informing a policy that the group endorsed in its final form.

EPA has said that gliders should not be regulated as “new motor vehicles” or “new motor vehicle engines” under the Clean Air Act. In November, EPA administrator Scott Pruitt signed legislation to repeal emissions standards for glider kits, stating gliders provide a more affordable option for smaller owners and operators.

That is why glider builder, trucker and owner of [Clarke Gliders](#), said he fully supported the proposed repeal.

“Glider engines, glider kits and glider vehicles are used parts that still have adequate life in them,” Clarke explained. “By recycling gliders, we can further the life of the existing parts that are so costly to buy new.”

In his comments, Clarke stressed that the only new parts in a glider kit are the cab and the hood; the remaining parts of the truck are all used parts, he noted.

“In no way should a glider be considered a new truck, subject to the new emissions rules set forth in August 2016 because all major components are used and already exist,” he explained. Clarke referenced a TTU study comparing NOx levels in older engines versus new engines. He said the study found that older engines are just as clean – and some even better – than the new ones today, mainly due to cleaner sulfur content.

He also cited a Nov. 15 statement released from Pruitt that encouraged Americans to recycle more. Clarke claimed that according to most recent data from 2007, recycling and reclaimed and reused activities created more than 750,000 jobs and \$6.7 billion in tax revenues.

“We really should be thanking our glider builders,” he urged. “We should be encouraging every trucker in this country to use a glider, or should I say a recycled truck. This is exactly what we do in our business. We recycle old trucks, not only do we create hundreds of jobs, we save our trucking industry thousands of dollars.”

In addition, the Owner-Operator Independent Drivers Association (OOIDA) supports the reconsideration of the of the Phase 2 emission requirements for gliders.

“OOIDA welcomes the recent announcement to consider repeal of the Phase 2 rule on glider kits, which are often favored by the small trucking businesses we represent because of their affordability and reliability,” the association said in a statement. “Small trucking businesses comprise roughly 96% of all U.S. motor carriers, making them a significant and crucial component of the American trucking industry. As owner-operators, our members understand the financial impact a new truck purchase will have on their bottom line. They recognize excessive and costly federal regulation of vehicles can dramatically alter their ability to purchase new or recently owned trucks.”

EPA estimates that about 10,000 gliders are manufactured annually and make up about 5% of the entire Class 8 truck market. However, the agency previously said gliders could account about one-third of all nitrogen oxides and particulate matter emissions from the sector.

Written comments regarding the proposed repeal will be accepted until Jan. 5.

The EPA Knows Glider Trucks Are Dangerously Dirty: It’s Time to Keep Them Off the Road

DAVE COOKE, SENIOR VEHICLES ANALYST, Union of concerned scientists |
DECEMBER 4, 2017, 9:07 AM EST



Today, I am speaking at a public hearing at EPA to push back on the agency reopening a “zombie truck” loophole. I wrote about the political motivations behind the attack on public health previously, but we now have even more information about exactly how dirty these trucks are from an interesting source: the EPA itself.

A reminder about what is at stake

Glider vehicles are brand new trucks that are powered by a re-manufactured engine. While they look like every other new truck on the outside, on the inside they have engines which were manufactured under weaker pollution standards than other new trucks. Because they are resurrecting these older, more highly polluting engines from the dead, they are sometimes referred to as “zombie trucks.”

While initially glider trucks were used to replace vehicles whose bodies had been damaged, more recently a cottage industry has sprung up selling about 20 times more trucks than historic levels solely to bypass pollution restrictions.

In the “Phase II” heavy-duty vehicle regulations, the EPA closed the loophole that allowed these awful pollution spewers to be manufactured in the first place. However, Scott Pruitt’s EPA has proposed repealing this action, reopening the loophole primarily to benefit a company with political ties.

Dirty science for dirty trucks

In support of this repeal, Fitzgerald Trucks (the manufacturer requesting the loophole be reopened) submitted the results of a slapdash series of tests it claimed were from independent researchers. However, the tests were paid for by Fitzgerald and conducted using Fitzgerald’s equipment in Fitzgerald’s facilities. The results of the tests were incomplete and indicated that the work was sub-standard. However, we didn’t know just how unscientific the research was until EPA technical staff posted a memo detailing a meeting with the researchers. Here are just a few of the absurd shortcomings in the tests:

- ☐☐☐☐☐☐☐☐ **Researchers did not use industry standard test procedure**, so any numerical results could not be directly compared with regulatory requirements or literally any other research in the technical literature.
- ☐☐☐☐☐☐☐☐ **Researchers did not actually take samples of soot during testing**, despite the fact that this is not just carcinogenic but one of the specific pollutants at issue with these engines which causes such detrimental health impacts. Instead, they “visibly inspected” the test probe. Yes, you read that right—they just looked at it to see if it was dirty.

- Researcher's did not test under any "cold start" conditions. Like when you first turn on your car, this is when the engine emits elevated levels of pollution, which is why it is a standard part of regulatory tests for both cars and trucks.

Believe me when I tell you that I could not get my doctorate if my lab work were of that low quality.

Ignoring the EPA's own technical data

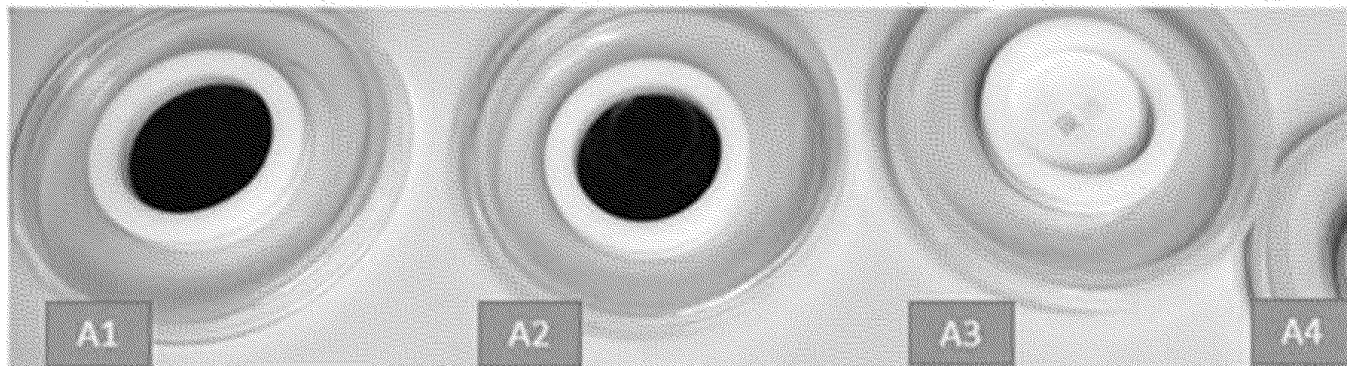
While pointing to the subpar Fitzgerald / Tennessee Tech data, the EPA was actually aware of much higher quality data being done at its own facilities. Instead of waiting for these tests to be completed, the politicians at EPA moved forward with the proposed repeal anyway.

Well, the results from those tests are in, and they are at least as bad as the EPA's technical staff feared. In fact, it may be even worse:

- According to the test results, it appears that these engines actually exceed the legal limits they were initially designed for. This means that the "special programming" of the engine Fitzgerald claims to do to the engines may result in greater fuel economy, but it means greater pollution, too.

- The soot exhausted by these engines is so large that it caused a fault in the EPA's equipment, after which the EPA had to adjust the throughput. A good comparison to this is like when you have your volume adjusted for a TV program you like and then suddenly a really loud commercial comes on...except now imagine that commercial just blew out your speakers.

Glider #1 – Super Cycle Test – 05OCT2017



- The two collectors on the left of this image are what happened when they first tried to collect the pollution from these vehicles; the two collectors on the right are what it looked like before the test. Now imagine what that experience must be like for the lungs of a child with asthma.

The EPA had already projected that every year of production of glider vehicles at today's levels would result in as many as 1600 premature deaths—this new data suggests that number could

be even higher.

The science is clear, so closing this loophole should be the easy thing to do.

I am speaking today at the hearing against because I want to make sure EPA listens to its own scientists and closes this loophole, to abide by its mission statement and protect human health and the environment. And today I will be among a chorus of dedicated citizens reminding the agency of its mission.

EDF Calls on EPA to Protect Americans' Health from Super-Polluting Glider Trucks at Public Hearing Today

December 4, 2017

(Washington, D.C. – December 4, 2017) EDF joined dozens of Americans at a public hearing in Washington, DC today to oppose Environmental Protection Agency (EPA) Administrator Scott Pruitt's proposed rollback of emission limits for high-polluting heavy-duty freight trucks.

EDF Senior Attorney Martha Roberts was among those calling on Pruitt to end his efforts to create a legal loophole for super-polluting glider trucks, and instead to start putting the health of American families first.

"America has made tremendous progress in reducing tailpipe pollution, using made in America solutions. We have protected our children's health and positioned American companies as world leaders in pollution control innovations," said Roberts. "Pruitt's actions put this progress at risk, imperiling our families and communities through unprecedented rollbacks at a time when we should be moving forward to save lives and create jobs."

Today's hearing addresses standards for glider trucks, which are heavy-duty freight trucks that typically lack modern pollution controls. Glider trucks can emit harmful soot and smog-causing pollutants – including oxides of nitrogen and particulate matter, as well as cancer-causing diesel particulate – at a rate *forty times* that of new freight trucks.

EPA took action in the 2016 Clean Truck Standards to curb emissions from these super-polluting freight trucks, but Pruitt is now trying to reopen a loophole and allow glider trucks to evade modern pollution controls.

More than sixty people signed up to testify at today's hearing, including representatives from the American Lung Association, the American Thoracic Society, and Moms Clean Air Force – whose members testified about the impact this rollback would have on their children's health.

Representatives from the heavy-duty freight truck industry also opposed Pruitt's proposed rollback at today's hearing – including speakers from Volvo, the Engine

Manufacturers Association, the American Trucking Association, and the Heavy Duty Fuel Efficiency Leadership Group. Freight truck manufacturers have raised concerns that allowing glider trucks to evade pollution standards creates an unlevel playing field that disadvantages companies that have responsibly invested in pollution controls.

Many of those testifying today also expressed support for the Clean Power Plan and other clean air standards that protect American families and communities. Pruitt's efforts to repeal lifesaving pollution limits – not only for dirty trucks, but also for power plants and other sectors – puts the health and well-being of all Americans at risk.

EDF was also represented at today's hearing by Erin Murphy, Surbhi Sarang, and John Bullock. You can read full testimonies from each of them here:

- [Martha Roberts](#)

- [Erin Murphy](#)

- [Surbhi Sarang](#)

- [John Bullock](#)

EPA is accepting public comments on the proposed repeal of the safeguards against glider truck pollution until January 5th.

Erin Birgfeld

Communications Director

Office of Transportation and Air Quality

U.S. EPA

202-564-6741 (work)

202-255-4434 (cell)

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Charmley, William[charmley.william@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]
From: Birgfeld, Erin
Sent: Tue 11/28/2017 2:22:30 PM
Subject: Glider Article

FYI

From: DeLuca, Isabel
Sent: Tuesday, November 28, 2017 9:13 AM
To: Millett, John <Millett.John@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>
Subject: article

Interesting article in Inside EPA today:

<https://insideepaclimate.com/daily-news/epa-study-finds-major-pollution-glider-trucks-despite-repeal-plan>

EPA Study Finds Major Pollution From 'Glider' Trucks Despite Repeal Plan

November 27, 2017

A new EPA report shows that criteria pollution from a popular configuration of “glider” trucks -- which combine a new heavy-duty chassis with used engines -- can vastly exceed emissions from new trucks, contrasting with industry and agency suggestions that its plan to repeal glider vehicle greenhouse gas limits would result in minimal pollution increases.

The findings, contained in a Nov. 20 [report summarizing emissions testing](#) of two recent model year glider vehicles, show that emissions of some pollutants can be as much as 450 times higher in extreme cases than emissions from new trucks.

Such findings appear to confirm fears from some state regulators, environmentalists and new truck makers that the Trump administration's proposed repeal of GHG limits for the trucks would open a major pollution loophole that could boost emissions of non-GHG pollution, particularly the ozone precursor nitrogen oxides (NOx) and particulate matter (PM).

The agency also quietly released to the docket a [Nov. 13 memo](#) summarizing conversations between the

agency and outside researchers, with observers saying the memo identifies major gaps in a glider vehicle study by Tennessee Tech University (TTU) which glider makers and the Trump EPA have cited to downplay the emissions impact of repealing the glider kit rules.

For example, the Nov. 13 memo indicates that TTU did not use established test procedures when assessing glider kits, according to a Northeast state source.

And “The EPA . . . testing further shows how really dirty these glider rebuilds are,” says the Northeast state source, saying the report confirms [prior concerns](#) from groups including the Northeast States For Coordinated Air Use Management that EPA's proposed GHG rule repeal would frustrate efforts to achieve or maintain air quality goals.

The glider kit standards are included in a broader Phase 2 GHG regulation for medium- and heavy-duty trucks that was finalized by the Obama EPA in late 2016.

The Northeast source adds that EPA's memo shows the TTU study is “meaningless” as a way of comparing glider truck performance to regulatory standards, identifying flaws including: not using established test procedures, relying on a “visual only” measurement of PM pollution and testing engines newer than the most popular glider kit engines.

The new EPA report and memo, which both quietly surfaced in EPA's docket for its glider rule repeal proposal on Nov. 22, come as EPA is relying mostly on a new legal rationale that the Obama EPA never had the authority to regulate GHG emissions from gliders in the first place.

Revoking the GHG requirements for gliders would have the effect of freeing the industry from a production cap for the vehicles, which have grown beyond their original purpose as a way to repair wrecked vehicles to become an increasingly popular alternative to new, state-of-the-art trucks.

Before the latest documents were added to the regulatory docket, the agency had posted [several prior documents](#) that critics of the proposed repeal say bolster their claims that the plan includes scant review of criteria pollution or competitiveness issues, while also showing that White House officials attempted to bolster the proposal's legal rationale.

'Consistently Higher' Emissions

Sources have been raising concern that the Trump EPA has been quick to pursue repeal of the glider requirements [before conducting rigorous staff analysis](#) of the move's public health or competitiveness impact. In that vein, a recent *Washington Post* report also noted that EPA's proposal was issued before the agency completed its testing of glider kits.

But those tests now appear to show high levels of emissions.

The Nov. 20 EPA report summarizes EPA dynamometer testing of two glider kits -- a 2016 Peterbilt 389 sleeper cab tractor and a 2017 Peterbilt 579 sleeper cab tractor -- done in October and November at the National Vehicle and Fuel Emissions Laboratory.

The report says the vehicles reflect "one of the more popular engine and vehicle configurations produced as glider vehicles," and that the engines in the vehicles, made between MY98-02, "are consistent with the expected emissions performance of heavy duty highway diesel engines manufactured in the 1998-2002 timeframe."

That timeframe is significant because state officials and industry data have already flagged diesel engine technology from that era as making up most of the engines in current glider trucks.

EPA's glider tests found that criteria pollutant emissions from the two glider units were "consistently higher" than conventional MY14 and MY15 tractors with new engines, with the extent of the difference varying somewhat depending on operating conditions.

NOx emissions, for example, were roughly 43 times as high, and PM emissions roughly 55 times as high, as "conventionally manufactured 2014 and 2015 [model year] tractors" under highway cruise conditions. Under transient operations cycles that seek to simulate a variety of real world operating conditions, NOx and PM emissions were 4-5 times higher and PM emissions 50-450 times higher than the conventional new trucks.

Meanwhile, EPA in its memo regarding the TTU study summarizes a Nov. 7 teleconference with TTU researchers to discuss "testing, methodologies, facilities and equipment" used in the school's engine testing that has been cited by glider makers to support their bid for EPA to reconsider the glider GHG requirements.

TTU's glider vehicle testing stems from research at the school to assess the environmental and economic impact of EPA's Phase 2 heavy duty truck rule. And it came after a request by glider maker Fitzgerald Glider Kits to evaluate issues including the impact of the truck rule on the glider kit industry, the EPA memo notes.

Glider makers have cited the TTU work to claim that NOx and PM emissions from some pre-MY07 engines used in the vehicles are lower than EPA has asserted.

EPA in its proposed repeal repeats that claim without evaluating it, which has already drawn fire from environmentalists and others. The memo notes that the testing was done by TTU staff and students at a facility owned by Fitzgerald.

The Northeast source says EPA's glider kit testing is a far more valid basis than the recent TTU study to draw conclusions about the public health implications of repealing the glider GHG requirements, though the source acknowledges that the EPA testing is based on "small sample size" of two glider trucks.

This source cites several broad reasons for regarding EPA's work as more relevant than the TTU study.

First, the agency's tests of glider kits are based on engines manufactured in MY98-02, which are the most common technology in glider vehicles, while the TTU study focuses on MY02-07 engines, the source says.

Second, the TTU study does not compare its tested glider vehicle engines with the performance of state-of-the-art new trucks, but of brand new engines built to MY02-07 standards -- before more stringent emissions standards were implemented.

And the Northeast source also says EPA's memo "contains some real eye openers" that point to specific gaps in the TTU test procedures, to the extent the research is used to draw any regulatory conclusions.

Specifically, the memo shows that the TTU study did not use established test procedures or "standard regulatory drive cycles," which the source says renders any comparisons to regulatory standards "meaningless."

Second, the EPA memo states that TTU's examination of PM emissions was "visual only," which the source says calls into question industry claims that the study can be used to draw conclusions about PM pollution from the engines.

The EPA memo states that "no particulate matter samples were collected during testing" and that a "sample probe filter" under the test was "visibly inspected for particulate matter. Particulate quantification was subjective in that it was visual only, TTU stated that they performed a smoke test but did not elaborate."

The memo indicates that EPA, subsequent to the call, has been seeking more information on the NOx emissions of specific vehicles tested by TTU, with prior information submitted to EPA having indicated in general that none of the vehicles tested by TTN met current NOx standards. -- *Doug Obey*
(dobey@iwpnews.com)

Related News | [Climate Regulation](#) |

183389

To: Charmley, William[charmley.william@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]
From: Dunham, Sarah
Sent: Fri 10/27/2017 9:46:09 PM
Subject: FW: Gliders

Ex. 5 - Deliberative Process

-----Original Message-----

From: Dunham, Sarah
Sent: Friday, October 27, 2017 5:44 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Gliders

This is what John and I got from OTAQ in response to our inquiries about the press inquiry: "We recently

Ex. 5 - Deliberative Process

-----Original Message-----

From: Gunasekara, Mandy
Sent: Friday, October 27, 2017 5:21 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Gliders

Per Millet's note, when did OTAQ do the first test? Can you send me the results?

-----Original Message-----

From: Dunham, Sarah
Sent: Friday, October 27, 2017 3:41 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Gliders

We're checking.

-----Original Message-----

From: Gunasekara, Mandy
Sent: Friday, October 27, 2017 3:39 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>

Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Gliders

We got a press question asking whether OTAQ is doing emissions testing on gliders? Have we before or are we in the process?

Sent from my iPhone

To: Charmley, William[charmley.william@epa.gov]
Cc: Cullen, Angela[cullen.angela@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Hart, Connie[hart.connie@epa.gov]
From: Mitchell, George
Sent: Tue 11/28/2017 1:05:08 PM
Subject: RE: Inside EPA Write-up Regarding TTU Memo and Glider Testing Report

Daily News

EPA Study Finds Major Pollution From 'Glider' Trucks Despite Repeal Plan

November 27, 2017

A new EPA report shows that criteria pollution from a popular configuration of “glider” trucks -- which combine a new heavy-duty chassis with used engines -- can vastly exceed emissions from new trucks, contrasting with industry and agency suggestions that its plan to repeal glider vehicle greenhouse gas limits would result in minimal pollution increases.

The findings, contained in a Nov. 20 [report summarizing emissions testing](#) of two recent model year glider vehicles, show that emissions of some pollutants can be as much as 450 times higher in extreme cases than emissions from new trucks.

Such findings appear to confirm fears from some state regulators, environmentalists and new truck makers that the Trump administration's [proposed repeal of GHG limits for the trucks](#) would open a major pollution loophole that could boost emissions of non-GHG pollution, particularly the ozone precursor nitrogen oxides (NOx) and particulate matter (PM).

The agency also quietly released to the docket a [Nov. 13 memo](#) summarizing conversations between the agency and outside researchers, with observers saying the memo identifies major gaps in a glider vehicle study by Tennessee Tech University (TTU) which glider makers and the Trump EPA have cited to downplay the emissions impact of repealing the glider kit rules.

For example, the Nov. 13 memo indicates that TTU did not use established test procedures when assessing glider kits, according to a Northeast state source.

And “The EPA . . . testing further shows how really dirty these glider rebuilds are,” says the Northeast state source, saying the report confirms prior concerns from groups including the Northeast States For Coordinated Air Use Management that EPA's proposed GHG rule repeal would frustrate efforts to achieve or maintain air quality goals.

The glider kit standards are included in a broader Phase 2 GHG regulation for medium- and heavy-duty trucks that was finalized by the Obama EPA in late 2016.

The Northeast source adds that EPA's memo shows the TTU study is “meaningless” as a way of comparing glider truck performance to regulatory standards, identifying flaws including: not using established test procedures, relying on a “visual only” measurement of PM pollution and testing engines newer than the most popular glider kit engines.

The new EPA report and memo, which both quietly surfaced in EPA's docket for its glider rule repeal proposal on Nov. 22, come as EPA is relying mostly on a new legal rationale that the Obama EPA never had the authority to regulate GHG emissions from gliders in the first place.

Revoking the GHG requirements for gliders would have the effect of freeing the industry from a production cap for the vehicles, which have grown beyond their original purpose as a way to repair wrecked vehicles to become an increasingly popular alternative to new, state-of-the-art trucks.

Before the latest documents were added to the regulatory docket, the agency had posted [several prior documents](#)

that critics of the proposed repeal say bolster their claims that the plan includes scant review of criteria pollution or competitiveness issues, while also showing that White House officials attempted to bolster the proposal's legal rationale.

'Consistently Higher' Emissions

Sources have been raising concern that the Trump EPA has been quick to pursue repeal of the glider requirements before conducting rigorous staff analysis of the move's public health or competitiveness impact. In that vein, a recent *Washington Post* report also noted that EPA's proposal was issued before the agency completed its testing of glider kits.

But those tests now appear to show high levels of emissions.

The Nov. 20 EPA report summarizes EPA dynamometer testing of two glider kits -- a 2016 Peterbilt 389 sleeper cab tractor and a 2017 Peterbilt 579 sleeper cab tractor -- done in October and November at the National Vehicle and Fuel Emissions Laboratory.

The report says the vehicles reflect "one of the more popular engine and vehicle configurations produced as glider vehicles," and that the engines in the vehicles, made between MY98-02, "are consistent with the expected emissions performance of heavy duty highway diesel engines manufactured in the 1998-2002 timeframe."

That timeframe is significant because state officials and industry data have already flagged diesel engine technology from that era as making up most of the engines in current glider trucks.

EPA's glider tests found that criteria pollutant emissions from the two glider units were "consistently higher" than conventional MY14 and MY15 tractors with new engines, with the extent of the difference varying somewhat depending on operating conditions.

NOx emissions, for example, were roughly 43 times as high, and PM emissions roughly 55 times as high, as "conventionally manufactured 2014 and 2015 [model year] tractors" under highway cruise conditions. Under transient operations cycles that seek to simulate a variety of real world operating conditions, NOx and PM emissions were 4-5 times higher and PM emissions 50-450 times higher than the conventional new trucks.

Meanwhile, EPA in its memo regarding the TTU study summarizes a Nov. 7 teleconference with TTU researchers to discuss "testing, methodologies, facilities and equipment" used in the school's engine testing that has been cited by glider makers to support their bid for EPA to reconsider the glider GHG requirements.

TTU's glider vehicle testing stems from research at the school to assess the environmental and economic impact of EPA's Phase 2 heavy duty truck rule. And it came after a request by glider maker Fitzgerald Glider Kits to evaluate issues including the impact of the truck rule on the glider kit industry, the EPA memo notes.

Glider makers have cited the TTU work to claim that NOx and PM emissions from some pre-MY07 engines used in the vehicles are lower than EPA has asserted.

EPA in its proposed repeal repeats that claim without evaluating it, which has already drawn fire from environmentalists and others. The memo notes that the testing was done by TTU staff and students at a facility owned by Fitzgerald.

The Northeast source says EPA's glider kit testing is a far more valid basis than the recent TTU study to draw conclusions about the public health implications of repealing the glider GHG requirements, though the source acknowledges that the EPA testing is based on "small sample size" of two glider trucks.

This source cites several broad reasons for regarding EPA's work as more relevant than the TTU study.

First, the agency's tests of glider kits are based on engines manufactured in MY98-02, which are the most common technology in glider vehicles, while the TTU study focuses on MY02-07 engines, the source says.

Second, the TTU study does not compare its tested glider vehicle engines with the performance of state-of-the-art new trucks, but of brand new engines built to MY02-07 standards -- before more stringent emissions standards were implemented.

And the Northeast source also says EPA's memo "contains some real eye openers" that point to specific gaps in the TTU test procedures, to the extent the research is used to draw any regulatory conclusions.

Specifically, the memo shows that the TTU study did not use established test procedures or "standard regulatory drive cycles," which the source says renders any comparisons to regulatory standards "meaningless."

Second, the EPA memo states that TTU's examination of PM emissions was "visual only," which the source says calls into question industry claims that the study can be used to draw conclusions about PM pollution from the engines.

The EPA memo states that "no particulate matter samples were collected during testing" and that a "sample probe filter" under the test was "visibly inspected for particulate matter. Particulate quantification was subjective in that it was visual only, TTU stated that they performed a smoke test but did not elaborate."

The memo indicates that EPA, subsequent to the call, has been seeking more information on the NOx emissions of specific vehicles tested by TTU, with prior information submitted to EPA having indicated in general that none of the vehicles tested by TTN met current NOx standards. -- Doug Obey (dobey@iwpnews.com)

George Mitchell

US Environmental Protection Agency

Office of Transportation and Air Quality

Heavy-Duty Onroad and Nonroad Center
2000 Traverwood Drive
Ann Arbor, MI 48105
Phone: 734.214.4491

From: Charmley, William

Sent: Tuesday, November 28, 2017 8:04 AM

To: Mitchell, George <Mitchell.George@epa.gov>

Cc: Cullen, Angela <cullen.angela@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>;
Moulis, Charles <moulis.charles@epa.gov>; Hart, Connie <hart.connie@epa.gov>

Subject: Re: Inside EPA Write-up Regarding TTU Memo and Glider Testing Report

George

Thank you for sending this.

Can you email around the actual article, as I don't have a membership to inside epa

Thanks

Bill

Sent from my iPhone

On Nov 28, 2017, at 7:56 AM, Mitchell, George <Mitchell.George@epa.gov> wrote:

<https://insideepa.com/daily-news/epa-study-finds-major-pollution-glider-trucks-despite-repeal-plan>

George Mitchell

US Environmental Protection Agency

Office of Transportation and Air Quality

Heavy-Duty Onroad and Nonroad Center
2000 Traverwood Drive
Ann Arbor, MI 48105
Phone: 734.214.4491

To: Orlin, David[Orlin.David@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Charmley, William[charmley.william@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]
Cc: Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Sutton, Tia
Sent: Tue 11/7/2017 4:21:00 PM
Subject: Current version of Glider NPRM
EO12866 Repeal of Emission Requirements for Gliders 2060-AT79 NPRM FRN 20171107.docx

Hi all,

Here's the working version of the Glider NPRM that we should use for any additional edits from here on out.

Ex. 5 - Attorney Client; Deliberative Process

Ben or Dave – please jump in if there's anything I missed!

-Tia

To: Charmley, William[charmley.william@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Birgfeld, Erin[Birgfeld.Erin@epa.gov]; Mylan, Christopher[Mylan.Christopher@epa.gov]
From: Sutton, Tia
Sent: Mon 1/8/2018 7:22:32 PM
Subject: FW: From Greenwire -- AIR POLLUTION: States threaten to sue EPA over truck rule redo

FYI—

AN E&E NEWS PUBLICATION

AIR POLLUTION

States threaten to sue EPA over truck rule redo

Camille von Kaenel, E&E News reporter

Published: Monday, January 8, 2018

A dozen states say they are prepared to take U.S. EPA to court over its proposal to repeal part of a rule meant to further limit emissions from trucks.

The attorneys general of California, Connecticut, Illinois, Maryland, Massachusetts, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Vermont and Washington called EPA's proposal to exempt glider kits from greenhouse gas regulations "unlawful and irresponsible."

Glider kits are new truck frames paired with old engines that cost less than trucks in compliance with modern emissions regulations.

EPA Administrator Scott Pruitt proposed to exempt the glider kits, which would have been regulated for the first time under an Obama-era rule, after meeting with a key manufacturer, Fitzgerald Glider Kits.

The repeal is opposed by the wider trucking industry, environmentalists and public health advocates ([Greenwire](#), Nov. 27, 2017). Glider kits can pollute up to 20 to 40 times more than a modern-day truck, according to an analysis by EPA staff.

"Ignoring its own robust scientific evidence and myriad factual findings underpinning the Glider Rule that demonstrate the harm to public health and welfare caused by glider emissions has legal consequence for EPA's Proposed Repeal," the attorneys general wrote in their [letter](#).

"If EPA Administrator Scott Pruitt decides to neglect this legal responsibility by doing away with the Glider Rule, we are prepared to take any and all action to protect the air our children breathe and the vitality and level playing field of the trucking industry, an important sector of our economy," said California Attorney

General Xavier Becerra (D), who led the coalition of states.

The public comment period on the rollback ended on Jan. 5.

Want to read more stories like this?

Click here to start a free trial to E&E – the best way to track policy and markets.

ABOUT GREENWIRE – The Leader in Energy and Environment News

Greenwire is written and produced by the staff of E&E News. The one-stop source for those who need to stay on top of all of today's major energy and environmental action with an average of more than 20 stories a day, Greenwire covers the complete spectrum, from electricity industry restructuring to Clean Air Act litigation to public lands management. Greenwire publishes daily at 1 p.m.

E&E News
122 C Street NW 7th Floor Washington, DC
20001
Phone: 202-628-6500 Fax: 202-737-5299
www.eenews.net

All content is copyrighted and may not be reproduced or retransmitted without the express consent of Environment & Energy Publishing, LLC. [Click here](#) to view our privacy policy.

To: Mylan, Christopher[Mylan.Christopher@epa.gov]
Cc: Moulis, Charles[moulis.charles@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Charmley, William[charmley.william@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
From: Parsons, Christy
Sent: Mon 11/20/2017 9:38:56 PM
Subject: RE: CHRIS/OTAQ: EE NEWS - 11/20 - Glider kits
[HD Recision Roll Out 11-3 tfs.docx](#)

Thanks very much for flagging these questions from E&E News Chris.

Bill would like to look at the questions and will work to get responses to you tomorrow.

Christy

From: Mylan, Christopher
Sent: Monday, November 20, 2017 4:25 PM
To: Parsons, Christy <Parsons.Christy@epa.gov>; Brunner, Christine <brunner.christine@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Subject: FW: CHRIS/OTAQ: EE NEWS - 11/20 - Glider kits

Hello Everyone,

Any suggestions on a response for these questions from E&E News? There is not much language in the desk statement or Q/As (attached) that speak about an RIA or impact analysis. I can put something general together, but I thought it would be best to reach out beforehand.

Thanks,

Christopher Mylan

Communications Specialist

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

Phone: (202) 564-7411

OUTLET **EE NEWS**
REPORTER **CAMILLE VON KAENEL**
DDL **11/20/17**

I'm writing about glider kits and I'm wondering if you can help me out with the story.

- Is there a reason why EPA staff's analysis on the public health impacts and the economic impacts of the repeal of the emissions requirement for glider kits was not included in the proposal?
- Is there a reason there was no draft regulatory impact analysis submitted with the FR notice on the repeal?
- Is EPA staff conducting tests on glider kits?

Let me know by noon if possible!

To: Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Charmley, William[charmley.william@epa.gov]; Orlin, David[Orlin.David@epa.gov]
Cc: Cook, Leila[cook.leila@epa.gov]; Burch, Julia[Burch.Julia@epa.gov]
From: Hengst, Benjamin
Sent: Wed 1/17/2018 9:40:37 PM
Subject: RE: For Review: Glider:SAB & Reg agenda: science/peer review template

I have no comments on this

From: Sargeant, Kathryn
Sent: Wednesday, January 17, 2018 4:20 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Cook, Leila <cook.leila@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>
Subject: For Review: Glider:SAB & Reg agenda: science/peer review template

Ex. 5 - Attorney Client; Deliberative Process

From: Hengst, Benjamin
Sent: Friday, January 12, 2018 11:49 AM
To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Charmley, William <charmley.william@epa.gov>
Cc: Cook, Leila <cook.leila@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>
Subject: RE: ACTION: SAB & Reg agenda: science/peer review templates due 1/19

Ex. 5 - Deliberative Process

From: Sargeant, Kathryn
Sent: Wednesday, January 10, 2018 3:34 PM
To: Charmley, William <charmley.william@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cook, Leila <cook.leila@epa.gov>;
Burch, Julia <Burch.Julia@epa.gov>
Subject: ACTION: SAB & Reg agenda: science/peer review templates due 1/19
Importance: High

Ben and Lee received this info directly, and I don't mean to get ahead of any OTAQ coordination process they have initiated or are contemplating...but given that time is short, I wanted to bring this to Bill's attention.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Hockstad, Leif

Sent: Wednesday, January 10, 2018 2:12 PM

To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Moltzen, Michael <Moltzen.Michael@epa.gov>; Jenkins, Scott <Jenkins.Scott@epa.gov>; Birnbaum, Rona <Birnbaum.Rona@epa.gov>; Kolb, Laura <Kolb.Laura@epa.gov>

Cc: Shoaff, John <Shoaff.John@epa.gov>

Subject: FW: Fall 2017 Reg Agenda SAB Review - completed templates due 1/24

From: Shoaff, John

Sent: Wednesday, January 10, 2018 12:21 PM

To: Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Hockstad, Leif <Hockstad.Leif@epa.gov>; Mazza, Carl <Mazza.Carl@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Krieger, Jackie <Krieger.Jackie@epa.gov>

Subject: FW: Fall 2017 Reg Agenda SAB Review - completed templates due 1/24

All,

Happy new year! Somewhat like clockwork, here again is the **semiannual request for**

Ex. 5 - Deliberative Process

There may be some overlap in the work flow between Fall templates and the possible fact-finding call on planned Spring actions; we'll keep you posted. Thanks! Best,

John

John Shoaff | Leader, Policy Support Group

Office of Air Policy & Program Support (OAPPS)

Office of Air & Radiation | U.S. EPA | WJC North 5442-B

1200 Pennsylvania Ave. NW | MC 6103A | Washington, D.C. | 20460 | USA

Shoaff.john@epa.gov | 1-202-564-0531 Direct | 1-202-257-1755 Mobile

From: Carpenter, Thomas

Sent: Wednesday, January 3, 2018 5:23 PM

To: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Mazza, Carl <Mazza.Carl@epa.gov>; Hockstad, Leif <Hockstad.Leif@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Chun, Melissa <Chun.Melissa@epa.gov>

Cc: Owens, Nicole <Owens.Nicole@epa.gov>; Green, Noelle <Green.Noelle@epa.gov>; Sheppard, Tracy <Sheppard.Tracy@epa.gov>; Johnston, Khanna <Johnston.Khanna@epa.gov>; Zarba, Christopher <Zarba.Christopher@epa.gov>

Subject: Fall 2017 Reg Agenda SAB Review - completed templates due 1/24

Greetings,

Ex. 5 - Deliberative Process

Please provide your Office's completed templates to me by January 24, 2018. The SAB Staff Office will convene the Work Group after materials are provided.

Please call if you have any questions.

Best,

Tom

Thomas Carpenter

Designated Federal Officer / Sr. Biologist

US EPA Science Advisory Board, MC 1400R

1200 Pennsylvania Avenue, NW

Washington DC 20460

ph 202 564 4885 Fax 202 565 2098

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Charmley, William[charmley.william@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]
From: Cullen, Angela
Sent: Tue 8/22/2017 6:36:58 PM
Subject: RE: HD Check-in

I will be there.

From: Charmley, William
Sent: Tuesday, August 22, 2017 2:27 PM
To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: Fwd: HD Check-in

Angela and Kathryn,

Ex. 5 - Deliberative Process

Thanks

Bill

Sent from my iPhone

Begin forwarded message:

From: "Sargeant, Kathryn" <sargeant.kathryn@epa.gov>
Date: August 22, 2017 at 2:22:56 PM EDT
To: "Sutton, Tia" <sutton.tia@epa.gov>, "Charmley, William" <charmley.william@epa.gov>, "Moulis, Charles" <moulis.charles@epa.gov>, "Cullen, Angela" <cullen.angela@epa.gov>
Cc: "Storhok, Ines" <storhok.ines@epa.gov>
Subject: RE: HD Check-in

Ex. 5 - Deliberative Process

From: Sutton, Tia
Sent: Tuesday, August 22, 2017 1:49 PM
To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Cc: Storhok, Ines <storhok.ines@epa.gov>
Subject: RE: HD Check-in

Ex. 5 - Deliberative Process

From: Sutton, Tia
Sent: Tuesday, August 22, 2017 1:44 PM
To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Cc: Storhok, Ines <storhok.ines@epa.gov>
Subject: RE: HD Check-in

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Sargeant, Kathryn

Sent: Tuesday, August 22, 2017 12:52 PM

To: Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>

Cc: Storhok, Ines <storhok.ines@epa.gov>

Subject: RE: HD Check-in

Ex. 5 - Deliberative Process

From: Charmley, William

Sent: Tuesday, August 22, 2017 12:46 PM

To: Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>

Cc: Storhok, Ines <storhok.ines@epa.gov>

Subject: RE: HD Check-in

Dear all –

I won't be able to participate in this call today. I am hoping that Angela and Kathryn can join.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks

Bill

From: Moulis, Charles

Sent: Tuesday, August 22, 2017 12:08 PM

To: Sutton, Tia <sutton.tia@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>;
Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Cc: Charmley, William <charmley.william@epa.gov>; Cullen, Angela
<cullen.angela@epa.gov>

Subject: RE: HD Check-in

Here are the questions I have so far (not all to be answered today):

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

-----Original Appointment-----

From: Sutton, Tia

Sent: Monday, August 21, 2017 1:15 PM

To: Sutton, Tia; Moulis, Charles; Hengst, Benjamin; Orlin, David; Kataoka, Mark

Cc: Charmley, William; Cullen, Angela

Subject: HD Check-in

When: Tuesday, August 22, 2017 3:00 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Call-in: (866) **Ex. 6 - Personal Privacy**

Ex. 5 - Deliberative Process

Ex. 6 - Personal Privacy

To: Sutton, Tia[sutton.tia@epa.gov]; Charmley, William[charmley.william@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]
Cc: Burch, Julia[Burch.Julia@epa.gov]; Machiele, Paul[machiele.paul@epa.gov]; Anderson, Robert[Anderson.Robert@epa.gov]
From: Hengst, Benjamin
Sent: Wed 1/17/2018 9:40:08 PM
Subject: RE: SAB & Reg agenda: science/peer review templates

Looks good to me.

From: Sutton, Tia
Sent: Wednesday, January 17, 2018 3:58 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Cc: Burch, Julia <Burch.Julia@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Anderson, Robert <Anderson.Robert@epa.gov>
Subject: FW: SAB & Reg agenda: science/peer review templates

Ben, Bill and Kathryn,

Attached for your review is our Fuels Reg Streamlining draft for SAB (we left a couple comment bubble notes in here to explain our thinking on some of the language here).

Please let us know if you have comments or questions. Thanks!

-Tia

From: Machiele, Paul
Sent: Wednesday, January 17, 2018 9:54 AM
To: Anderson, Robert <Anderson.Robert@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: FW: ACTION for Paul: SAB & Reg agenda: science/peer review templates
Importance: High

From: Sargeant, Kathryn

Sent: Tuesday, January 16, 2018 3:37 PM
To: Machiele, Paul <machiele.paul@epa.gov>
Subject: ACTION for Paul: SAB & Reg agenda: science/peer review templates
Importance: High

Ex. 5 - Deliberative Process

These are due to OAR on Friday, so do you think you could send something around to Bill, me, Ben, and Julia sometime on Thursday? Thanks so much! Let me know if you have any questions.

From: Sargeant, Kathryn
Sent: Wednesday, January 10, 2018 3:34 PM
To: Charmley, William <charmley.william@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>
Subject: ACTION: SAB & Reg agenda: science/peer review templates due 1/19
Importance: High

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Hockstad, Leif

Sent: Wednesday, January 10, 2018 2:12 PM

To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Moltzen, Michael
<Moltzen.Michael@epa.gov>; Jenkins, Scott <Jenkins.Scott@epa.gov>; Birnbaum, Rona

<Birnbaum.Rona@epa.gov>; Kolb, Laura <Kolb.Laura@epa.gov>

Cc: Shoaff, John <Shoaff.John@epa.gov>

Subject: FW: Fall 2017 Reg Agenda SAB Review - completed templates due 1/24

From: Shoaff, John

Sent: Wednesday, January 10, 2018 12:21 PM

To: Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>;

Grundler, Christopher <grundler.christopher@epa.gov>; Cook, Leila <cook.leila@epa.gov>;

Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Hockstad, Leif <Hockstad.Leif@epa.gov>; Mazza, Carl <Mazza.Carl@epa.gov>; Dunham,

Sarah <Dunham.Sarah@epa.gov>; Krieger, Jackie <Krieger.Jackie@epa.gov>

Subject: FW: Fall 2017 Reg Agenda SAB Review - completed templates due 1/24

All,

Happy new year! Somewhat like clockwork, here again is the **semiannual request for descriptions of requisite planned actions (7 for OAR) from SABSO on the Fall 2017 reg agenda**. The second attachment is the **template** we need to complete, where appropriate, for each action, see those highlighted in table below. Believe they fall largely to OAQPS & OTAQ. **Please do your best to get these back to Leif Hockstad by COB Friday, Jan. 19** so that we have a little lead time for IO review and refinement if needed. Let us know if you've any questions or would like to discuss.

Relatedly, and for awareness, SABSO sent EPA descriptions of planned actions to a subset of current SAB members to initiate the review of the **Spring 2017** regulatory agenda, see last attachment for a refresh on what we shared in this regard. On the table of actions, SABSO noted that three actions have associated FR publications since the compilations were submitted in September. They have asked SAB members to begin their review and identify any questions they may have about the planned **Spring** actions in early January and to provide availability for a fact finding call if needed, likely for later in Jan. or early Feb. When we get more information on a possible fact finding teleconference(s), we'll let you know. Recall, that the fact finding teleconference is NOT a public call.

There may be some overlap in the work flow between Fall templates and the possible fact-

finding call on planned Spring actions; we'll keep you posted. Thanks! Best,

John

John Shoaff | Leader, Policy Support Group

Office of Air Policy & Program Support (OAPPS)

Office of Air & Radiation | U.S. EPA | WJC North 5442-B

1200 Pennsylvania Ave. NW | MC 6103A | Washington, D.C. | 20460 | USA

Shoaff.john@epa.gov | **1-202-564-0531 Direct** | **1-202-257-1755 Mobile**

From: Carpenter, Thomas

Sent: Wednesday, January 3, 2018 5:23 PM

To: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Mazza, Carl <Mazza.Carl@epa.gov>; Hockstad, Leif <Hockstad.Leif@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Chun, Melissa <Chun.Melissa@epa.gov>

Cc: Owens, Nicole <Owens.Nicole@epa.gov>; Green, Noelle <Green.Noelle@epa.gov>; Sheppard, Tracy <Sheppard.Tracy@epa.gov>; Johnston, Khanna <Johnston.Khanna@epa.gov>; Zarba, Christopher <Zarba.Christopher@epa.gov>

Subject: Fall 2017 Reg Agenda SAB Review - completed templates due 1/24

Greetings,

The Office of Policy identified 9 actions to be considered by the SAB in their evaluation of the supporting science for planned actions based on the protocols developed by EPA. The 9 actions that need a completed template and responsible program office are listed in the table below. Please note that 2 actions are in the long-term action stage of rulemaking. The regulatory agenda no longer has a “pending” agenda status of rulemaking for planned actions. Actions previously listed as pending were classified as “inactive” or moved to another status category.

On March 31, 2015 the Office of Policy distributed the Process and Best Practices for EPA Engagement with the Science Advisory Board in SAB Screening of the Scientific Basis for Major Agency Planned Actions to program offices as an instructional guide. It provides the best practices for developing and sharing information with the SAB for the this process. I have attached a PDF of that document for your convenience. Also attached is a word version of the annotated template for you to complete. None of the actions qualify as a recurring actions.

Please provide your Office's completed templates to me by January 24, 2018. The SAB Staff Office will convene the Work Group after materials are provided.

Please call if you have any questions.

Best,

Tom

Thomas Carpenter

Designated Federal Officer / Sr. Biologist

US EPA Science Advisory Board, MC 1400R

1200 Pennsylvania Avenue, NW

Washington DC 20460

ph 202 564 4885 Fax 202 565 2098

RIN	Title	Agency	Agenda	New	Tier
			Stage of Publication Rulemaking		

Ex. 5 - Deliberative Process

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Charmley, William[charmley.william@epa.gov]; Orlin, David[Orlin.David@epa.gov]
Cc: Cook, Leila[cook.leila@epa.gov]; Burch, Julia[Burch.Julia@epa.gov]
From: Sargeant, Kathryn
Sent: Wed 1/17/2018 9:19:59 PM
Subject: For Review: Glider:SAB & Reg agenda: science/peer review template
EPA action description for SAB Glider Repeal.docx

Attached please find the write-up for gliders as we discussed on the phone.

Ben, Bill, and Julia--you should have received the **Not Responsive** from Tia directly.
(It looked ok to me.)

I expect something to share from Robin later tomorrow. Bill has advised (and Robin agrees) that **Not Responsive** So stay tuned for that.

Let me know any comments on the attached glider piece.

As you know, all of them are due to OAPPS on Friday.

From: Hengst, Benjamin
Sent: Friday, January 12, 2018 11:49 AM
To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Charmley, William <charmley.william@epa.gov>
Cc: Cook, Leila <cook.leila@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>
Subject: RE: ACTION: SAB & Reg agenda: science/peer review templates due 1/19

I will to set up a call to discuss this, and will include Orlin

From: Sargeant, Kathryn
Sent: Wednesday, January 10, 2018 3:34 PM
To: Charmley, William <charmley.william@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>
Subject: ACTION: SAB & Reg agenda: science/peer review templates due 1/19

Importance: High

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I'm interested in your thoughts on substance, next steps, and/or process (doesn't necessarily have to be through email).

From: Hockstad, Leif

Sent: Wednesday, January 10, 2018 2:12 PM

To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Moltzen, Michael <Moltzen.Michael@epa.gov>; Jenkins, Scott <Jenkins.Scott@epa.gov>; Birnbaum, Rona <Birnbaum.Rona@epa.gov>; Kolb, Laura <Kolb.Laura@epa.gov>

Cc: Shoaff, John <Shoaff.John@epa.gov>

Subject: FW: Fall 2017 Reg Agenda SAB Review - completed templates due 1/24

From: Shoaff, John

Sent: Wednesday, January 10, 2018 12:21 PM

To: Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Hockstad, Leif <Hockstad.Leif@epa.gov>; Mazza, Carl <Mazza.Carl@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Krieger, Jackie <Krieger.Jackie@epa.gov>

Subject: FW: Fall 2017 Reg Agenda SAB Review - completed templates due 1/24

All,

Happy new year! Somewhat like clockwork, here again is the **semiannual request for descriptions of requisite planned actions (7 for OAR) from SABSO on the Fall 2017 reg agenda**. The second attachment is the **template** we need to complete, where appropriate, for each action, see those highlighted in table below. Believe they fall largely to OAQPS & OTAQ. **Please do your best to get these back to Leif Hockstad by COB Friday, Jan. 19** so that we

have a little lead time for IO review and refinement if needed. Let us know if you've any questions or would like to discuss.

Relatedly, and for awareness, SABSO sent EPA descriptions of planned actions to a subset of current SAB members to initiate the review of the **Spring 2017** regulatory agenda, see last attachment for a refresh on what we shared in this regard. On the table of actions, SABSO noted that three actions have associated FR publications since the compilations were submitted in September. They have asked SAB members to begin their review and identify any questions they may have about the planned **Spring** actions in early January and to provide availability for a fact finding call if needed, likely for later in Jan. or early Feb. When we get more information on a possible fact finding teleconference(s), we'll let you know. Recall, that the fact finding teleconference is NOT a public call.

There may be some overlap in the work flow between Fall templates and the possible fact-finding call on planned Spring actions; we'll keep you posted. Thanks! Best,

John

John Shoaff | Leader, Policy Support Group

Office of Air Policy & Program Support (OAPPS)

Office of Air & Radiation | U.S. EPA | WJC North 5442-B

1200 Pennsylvania Ave. NW | MC 6103A | Washington, D.C. | 20460 | USA

Shoaff.john@epa.gov | **1-202-564-0531 Direct** | **1-202-257-1755 Mobile**

From: Carpenter, Thomas

Sent: Wednesday, January 3, 2018 5:23 PM

To: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Mazza, Carl <Mazza.Carl@epa.gov>; Hockstad, Leif <Hockstad.Leif@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Chun, Melissa <Chun.Melissa@epa.gov>

Cc: Owens, Nicole <Owens.Nicole@epa.gov>; Green, Noelle <Green.Noelle@epa.gov>;

Sheppard, Tracy <Sheppard.Tracy@epa.gov>; Johnston, Khanna <Johnston.Khanna@epa.gov>;
Zarba, Christopher <Zarba.Christopher@epa.gov>

Subject: Fall 2017 Reg Agenda SAB Review - completed templates due 1/24

Greetings,

The Office of Policy identified 9 actions to be considered by the SAB in their evaluation of the supporting science for planned actions based on the protocols developed by EPA. The 9 actions that need a completed template and responsible program office are listed in the table below. Please note that 2 actions are in the long-term action stage of rulemaking. The regulatory agenda no longer has a “pending” agenda status of rulemaking for planned actions. Actions previously listed as pending were classified as “inactive” or moved to another status category.

On March 31, 2015 the Office of Policy distributed the Process and Best Practices for EPA Engagement with the Science Advisory Board in SAB Screening of the Scientific Basis for Major Agency Planned Actions to program offices as an instructional guide. It provides the best practices for developing and sharing information with the SAB for the this process. I have attached a PDF of that document for your convenience. Also attached is a word version of the annotated template for you to complete. None of the actions qualify as a recurring actions.

Please provide your Office’s completed templates to me by January 24, 2018. The SAB Staff Office will convene the Work Group after materials are provided.

Please call if you have any questions.

Best,

Tom

Thomas Carpenter

Designated Federal Officer / Sr. Biologist

US EPA Science Advisory Board, MC 1400R

1200 Pennsylvania Avenue, NW

Washington DC 20460

ph 202 564 4885 Fax 202 565 2098

Ex. 5 - Deliberative Process

To: Sutton, Tia[sutton.tia@epa.gov]; Charmley, William[charmley.william@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]
Cc: Storhok, Ines[storhok.ines@epa.gov]
From: Sargeant, Kathryn
Sent: Tue 8/22/2017 6:22:56 PM
Subject: RE: HD Check-in

Thanks, Tia. I think I'll wait for the next meeting—but I'd appreciate a summary today/tomorrow of whatever you learn/decide at today's discussion. Thanks!

From: Sutton, Tia
Sent: Tuesday, August 22, 2017 1:49 PM
To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Cc: Storhok, Ines <storhok.ines@epa.gov>
Subject: RE: HD Check-in

Sorry- hit send too fast! Also meant to say that I definitely think we'll want to get more in-depth into the items that Bill raised (in addition to the OMB piece), and maybe should do a longer 1 hour call next week or the following week to really get into those items. An action item for today's call will be to develop a list of items that we should cover in a follow-up discussion.

And I assume we'll want to do a check-in with Chris in the next couple weeks as well after having such a discussion.

From: Sutton, Tia
Sent: Tuesday, August 22, 2017 1:44 PM
To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Cc: Storhok, Ines <storhok.ines@epa.gov>
Subject: RE: HD Check-in

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Sargeant, Kathryn
Sent: Tuesday, August 22, 2017 12:52 PM
To: Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Cc: Storhok, Ines <storhok.ines@epa.gov>
Subject: RE: HD Check-in

I will be able to join only until about 3:15.

Ex. 5 - Deliberative Process

From: Charmley, William
Sent: Tuesday, August 22, 2017 12:46 PM
To: Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Cc: Storhok, Ines <storhok.ines@epa.gov>
Subject: RE: HD Check-in

Dear all –

I won't be able to participate in this call today. I am hoping that Angela and Kathryn can join.

Ex. 5 - Deliberative Process

Thanks

Bill

From: Moulis, Charles

Sent: Tuesday, August 22, 2017 12:08 PM

To: Sutton, Tia <sutton.tia@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Cc: Charmley, William <charmley.william@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>

Subject: RE: HD Check-in

Here are the questions I have so far (not all to be answered today):

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

-----Original Appointment-----

From: Sutton, Tia

Sent: Monday, August 21, 2017 1:15 PM

To: Sutton, Tia; Moulis, Charles; Hengst, Benjamin; Orlin, David; Kataoka, Mark

Cc: Charmley, William; Cullen, Angela

Subject: HD Check-in

When: Tuesday, August 22, 2017 3:00 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada)

Where: **Ex. 6 - Personal Privacy**

Getting all of us together to have a quick check-in on HD. Just to get our ducks in a row on next steps/timing, and Chuck & I have a couple of questions for OGC on the notices and docket. Annnnd...we need to officially welcome Mr. Orlin back to the fun!

Ex. 6 - Personal Privacy

To: Charmley, William[charmley.william@epa.gov]
From: Cook, Leila
Sent: Fri 12/1/2017 8:57:06 PM
Subject: RE: Glider Testing Timeline

thanks

From: Charmley, William
Sent: Friday, December 01, 2017 3:54 PM
To: Cook, Leila <cook.leila@epa.gov>
Subject: FW: Glider Testing Timeline

From: Grundler, Christopher
Sent: Thursday, November 30, 2017 5:25 PM
To: Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: FW: Glider Testing Timeline

From: Grundler, Christopher
Sent: Thursday, November 30, 2017 5:08 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>
Subject: Glider Testing Timeline

Ex. 5 - Deliberative Process

Let me know if you have any questions

Chris

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Charmley, William[charmley.william@epa.gov]
From: Grundler, Christopher
Sent: Mon 12/18/2017 3:12:10 PM
Subject: Re: Glider Hearing Testimony

Ex. 5 - Deliberative Process

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)

Ex. 6 - Personal Privacy

www.epa.gov/otaq

On Dec 18, 2017, at 10:06 AM, Charmley, William <charmley.william@epa.gov> wrote:

Chris –

If we complete this by Friday of this week, or by next week on Monday, will that work? If you need it sooner please say so.

I need to check with Christy regarding the status of the transcripts from the court recorder as well.

Thanks

Bill

From: Grundler, Christopher
Sent: Monday, December 18, 2017 9:42 AM
To: Charmley, William <charmley.william@epa.gov>
Cc: Stewart, Gwen <Stewart.Gwen@epa.gov>
Subject: Glider Hearing Testimony

Ex. 5 - Deliberative Process

Gwen—pls print and create folder or binder for me with label

Thanks

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)

Ex. 6 - Personal Privacy

www.epa.gov/otag

To: Charmley, William[charmley.william@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]
Cc: Storhok, Ines[storhok.ines@epa.gov]
From: Moulis, Charles
Sent: Wed 8/30/2017 7:58:30 PM
Subject: RE: Analyses Need for Not Responsive Glider Rule
Staff Planning Document - Potential Analysis Needed for Not Responsive glid... (002).docx

Here is an updated version.

From: Charmley, William
Sent: Tuesday, August 29, 2017 3:04 PM
To: Moulis, Charles <moulis.charles@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Cc: Storhok, Ines <storhok.ines@epa.gov>
Subject: RE: Analyses Need for Not Responsive Glider Rule

Chuck -

Thank's for starting this. I copied this into the attached word document and then I added some additional fields in redline/strikeout, and a few comments.

Please take a look at this version and let me know what you think.

Thanks

Bill

From: Moulis, Charles
Sent: Tuesday, August 29, 2017 11:27 AM
To: Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>

Subject: Analyses Need for Not Responsive Glider Rule

Ex. 5 - Deliberative Process

To: Charmley, William[charmley.william@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov];
Cook, Leila[cook.leila@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]
From: Grundler, Christopher
Sent: Mon 9/25/2017 9:06:38 PM
Subject: Fwd: Follow-up/Gliders

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

Begin forwarded message:

From: "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Date: September 25, 2017 at 4:03:45 PM EDT
To: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Gunasekara, Mandy"
<Gunasekara.Mandy@epa.gov>
Subject: Follow-up/Gliders

Hi Ryan (and Mandy)–

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Sarah

To: Charmley, William[charmley.william@epa.gov]
From: Grundler, Christopher
Sent: Mon 9/25/2017 4:04:27 PM
Subject: Fwd: Follow-up/Gliders

Pls clarify for sarah as appropriate

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

Begin forwarded message:

From: "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Date: September 25, 2017 at 12:01:43 PM EDT
To: "Grunder, Christopher" <grundler.christopher@epa.gov>
Cc: "Lewis, Josh" <Lewis.Josh@epa.gov>, "Charmley, William" <charmley.william@epa.gov>
Subject: RE: Follow-up/Gliders

Thanks Chris—this is helpful

From: Grundler, Christopher
Sent: Monday, September 25, 2017 11:26 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: Follow-up/Gliders

Sarah: I've now had a chance to meet with my folks and OGC. We are pulling together the

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington, DC)

734.214.4207 (Ann Arbor, MI)

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Cook, Leila[cook.leila@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Orlin, David[Orlin.David@epa.gov]
From: Charmley, William
Sent: Mon 9/25/2017 1:37:10 PM
Subject: RE: Glider Re-consideration.

Chris, Karl, David, Mark, Lee and Ben,

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

On Sep 22, 2017, at 7:47 PM, Dunham, Sarah <Dunham.Sarah@epa.gov> wrote:

Ex. 5 - Deliberative Process; Attorney Client

Begin forwarded message:

From: "Jackson, Ryan" <jackson.ryan@epa.gov>

Date: September 22, 2017 at 7:32:29 PM EDT

To: "Dunham, Sarah" <Dunham.Sarah@epa.gov>

Subject: Re: RE:

Thanks for that. Can we talk about gliders Monday? I need to get more info on the schedule and need more of an explanation than OAR is doing a lot of technical work. Much appreciated as always.

Ryan Jackson

Chief of Staff

U.S. EPA

(202) 564-6999

On Sep 22, 2017, at 4:32 PM, Dunham, Sarah <Dunham.Sarah@epa.gov> wrote:

Hi Ryan-

Not Responsive

Thanks

Sarah

From: Jackson, Ryan

Sent: Friday, September 22, 2017 2:48 PM

To: Dunham, Sarah <Dunham.Sarah@epa.gov>

Subject:

Not Responsive

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

(202) 564-6999

To: revelt.jean-marie@epa.gov[revelt.jean-marie@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
Cc: Angela Cullen[Cullen.Angela@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]
From: Charmley, William
Sent: Tue 11/14/2017 9:10:14 PM
Subject: FW: OOIDA Surveys
[2017 LL Reader Survey - Analysis.docx](#)
[2016 Owner-Operator Survey - FINAL.pdf](#)
[Owner-Operator Survey Comparison - 2016 Template EPA.xlsx](#)

Dear all –

Here is the information that OOIDA sent as a follow-up to our meeting.

Ex. 5 - Deliberative Process

Thanks

Bill

From: Thomas Weakley [mailto:Tom_Weakley@ooida.com]
Sent: Tuesday, November 14, 2017 3:29 PM
To: Charmley, William <charmley.william@epa.gov>
Cc: Scott Grenierth <Scott_Grenierth@ooida.com>
Subject: OOIDA Surveys

A whole lot more information than you need but a good profile of who the owner-operator is. I am also attaching the survey done for our marketing department for the magazine LandLine (Our

magazine) with an articulated circulation of over 220,000. Not all of these respondents are members of OOIDA but they are the ones that ask about glider preference. Unfortunately they do not ask what regions of the country the respondents are from like we do so we are unable to drill down and give you the answer as to which regions are more likely to look at glider kits. I highlighted the landline Survey questions and answers that are pertinent.

Thomas Weakley

Director of Operations, Foundation

OOIDA Foundation

OOIDA Foundation, Inc.

Toll Free 800-444-5791

Local 816-229-5791

Fax

Ext. 1123

tom_weakley@ooida.com



Please consider the environment before printing this e-mail.

This message contains confidential information. Unless you are the addressee or authorized to receive confidential information for the addressee, you may not retain, copy, use, or distribute this information. If you have received this message in error, please delete it and advise the sender immediately.

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
Cc: Moulis, Charles[moulis.charles@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Orlin, David[Orlin.David@epa.gov]
From: Charmley, William
Sent: Fri 10/20/2017 1:58:10 PM
Subject: RE: Glider rescission proposal

Ex. 5 - Deliberative Process; Attorney Client

Bill Charmley
Director
Assessment and Standards Division
Office of Transportation and Air Quality
U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory
2000 Traverwood Drive
Ann Arbor, MI 48105

desk ph. 734-214-4466
cell ph. 734-545-0333
e-mail: charmley.william@epa.gov

-----Original Message-----

From: Hengst, Benjamin
Sent: Friday, October 20, 2017 9:56 AM
To: Charmley, William <charmley.william@epa.gov>
Cc: Moulis, Charles <moulis.charles@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: Glider rescission proposal

Ex. 5 - Deliberative Process; Attorney Client

Thanks
Ben

-----Original Message-----

From: Charmley, William
Sent: Thursday, October 19, 2017 5:35 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Moulis, Charles <moulis.charles@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Re: Glider rescission proposal

Ex. 5 - Deliberative Process; Attorney Client

Sent from my iPhone

> On Oct 19, 2017, at 5:26 PM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

>

> Bill and co:

>

Ex. 5 - Deliberative Process; Attorney Client

>

> Thanks. Ben

To: Grundler, Christopher[grundler.christopher@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]
From: Charmley, William
Sent: Mon 8/28/2017 4:50:53 PM
Subject: FW: OTAQ Daily News Brief: ClimateWire Article on Heavy-duty Phase 2 gliders/trailers
"When Trump's deregulation is at odds with industry"

I did not read this first article until Chuck Moulis flagged it for me this morning. It is worth reading. It includes info/quotes from:

Glen Kedzie, ATA

Jed Mandel, EMA

Margo Oge, retired

TRALA – the Truck Renting and Leasing Association

Representative Diane Black, Tennessee

FUEL ECONOMY

When Trump's deregulation is at odds with industry

Camille von Kaenel, E&E News reporter

Published: Friday, August 25, 2017

The big rig manufacturers President Trump once cheered on the White House lawn could face years of disarray if he rolls back climate change regulations.

U.S. EPA's announcement last week that it will reconsider parts of the greenhouse gas standards for big rigs left the trucking industry scrambling and sparked the risk of a prolonged legal fight with California and environmentalists.

Manufacturers of trailers and glider kits, which are new truck frames fit with old engines, are seeking exemptions from the rules that were finalized in October (*ClimateWire*, Aug. 18). But EPA Administrator Scott Pruitt's proposal is facing opposition from the wider trucking industry, which sees a better bottom line in higher fuel efficiency and regulatory certainty.

"This is one of the very few if not the only regulation in the history of EPA that's ever had the opportunity to give a payback to fleets," said **Glen Kedzie, the vice president and environmental counsel at the American Trucking Associations (ATA)**. "There will be winners and losers if there's a change."

Pruitt's decision comes as part of an administration wide push to roll back environmental regulations with the promise of boosting jobs. Exempting glider kits from regulation could bolster the small businesses that manufacture them. And many of the firms lobbying for relief — including the flagship, Tennessee's Fitzgerald Glider Kits — are located in regions that voted overwhelmingly for Trump.

The possible change, however, also circumvents bigger manufacturers that supported the rule when it came out and injects uncertainty into the wider trucking industry that employs tens of thousands more people across the country. The Truck Engine Manufacturers Association (EMA) and ATA have already said they're worried Pruitt's move will disrupt their production plans and create a patchwork of rules.

Kedzie said the administration's announcement came as a surprise, sending him scrambling to check with members on crafting a new position. He is concerned EPA might reconsider other parts of the regulation, as well.

"It's a different EPA, and we've come to expect the unexpected," he said.

Part of the reason the industry is divided is that the phase 2 fuel efficiency regulation sets separate rules for engines, trailers and trucks. The measures require up to a 25 percent reduction in carbon emissions for tractor-trailers over the next 10 years, and smaller reductions for delivery trucks, school buses and other large vehicles.

Trailers and glider kits would have to comply to EPA emissions rules for the first time ever in 2018.

Eyes on Calif.

The Truck Trailer Manufacturers Association Inc. argued EPA was overreaching by regulating trailers because they don't have a tailpipe to emit. It sued the agency and cheered Pruitt's review.

The Trump administration's decision to delay implementation and start a new rulemaking risks furthering a divide with California.

"Clearly there will be legal challenges to such EPA action, again bringing uncertainty to the industry that needs to be making the investments today," said **Margo Oge, the former head of EPA's transportation office** under Obama.

Acting under its special Clean Air Act authority that Trump allies have threatened to revoke, the Golden State is set to adopt stringent rules for both trailers and trucks this fall.

That has manufacturers worried about a patchwork.

"Truck and engine manufacturers have significant concerns that reopening the federal rules could lead to the promulgation of different requirements across the nation," said **Jed Mandel, the president of EMA**, which represents truck and engine manufacturers.

The Truck Renting and Leasing Association also raised the concern that Pruitt's move would backfire, provoking California into enacting more stringent standards.

California had been regulating trailers since 2008 but largely stopped to align with the first phase of federal standards in 2013.

On Thursday, the California Air Resources Board will consider how it will regulate the industry through

2027. Staff has proposed establishing a different set of standards — more stringent and accelerated than the federal standards — were EPA to make a change, according to the [agenda](#) for the workshop.

Dave Clegern, a spokesman for the regulator, said the state would continue its rulemaking.

Other states, like the 12 that have adopted California's emissions rules for light-duty vehicles, have yet to choose to adopt its heavy-duty rules, but that could change. The ARB and the states of Connecticut, Iowa, Massachusetts, Oregon, Rhode Island, Vermont and Washington said they had a "substantial interest" in seeing that the federal standards are left in place in a motion to intervene in the lawsuit brought by the trailer manufacturers.

Trailers account for more than 10 percent of the global warming emissions benefits of the rule, according to an analysis by the Union of Concerned Scientists.

Wabash National, the largest manufacturer of trailers, had worked closely with EPA to craft the standard and belonged to a Heavy Duty Fuel Efficiency Leadership Group that cheered the rules when they came out last year. Jamie Scarcelli, vice president of corporate development and strategy at Wabash, said last year the firm wasn't involved with TTMA's lawsuit.

A spokeswoman said Wabash would not comment on the review. Dave Cooke, senior vehicles analyst at UCS, called the silence "frustrating" because the firm has invested in so much efficient technology.

Political win for niche industry

Certain groups in the trucking world were able to sway the administration to reopen the rulemaking, despite meetings between the big manufacturers and fleet managers that supported the rule in its entirety and the new administration.

Because they have not had to comply with modern-day emissions standards so far, glider kits are 25 percent cheaper than a new truck. That has made them increasingly popular over the past 15 years, going from a few hundred on the road to 10,000. Regulators estimated they would represent around one-third of the nitrogen oxides and particulate matter emissions from the truck fleet by 2025.

That would be more, per year, than the lifetime illegal emissions from the Volkswagen scandal.

Fitzgerald Glider Kits told EPA the new regulation, which would cap production per firm at 300 a year, "would effectively destroy the glider industry."

Rep. Diane Black (R-Tenn.), who is running for governor in her home state, intervened, introducing legislation to protect glider kits from being regulated and helping the firm petition EPA for relief.

"To say that I am grateful for the hard work of Administrator Pruitt and his team is an understatement," Black said in a statement.

She distributed a press release quoting Pruitt saying, "EPA is committed to revisiting rules that may not fall under the Agency's jurisdiction and have negative impacts on businesses across the country."

Her office did not respond to repeated requests for comment for this story.

From: Birgfeld, Erin
Sent: Friday, August 25, 2017 3:44 PM
To: Birgfeld, Erin <Birgfeld.Erin@epa.gov>
Subject: OTAQ Daily News Brief

Good Afternoon!

Welcome to OTAQ's daily news listserv. The OTAQ Daily News Brief compiles articles from around the world focused on our office's work; this includes everything from light-duty/heavy-duty vehicles, electric vehicles, air quality studies, aircrafts, boats and ships, to alternative fuels, and of course, climate change. If you'd like to be removed or would like to add another person to the listserv please contact Christopher Mylan at mylan.christopher@epa.gov. Feedback welcomed. Thanks and enjoy!

When Trump's deregulation is at odds with industry
Camille von Kaenel, E&E News

The big rig manufacturers President Trump once cheered on the White House lawn could face years of disarray if he rolls back climate change regulations. U.S. EPA's announcement last week that it will reconsider parts of the greenhouse gas standards for big rigs left the trucking industry scrambling and sparked the risk of a prolonged legal fight with California and environmentalists. Manufacturers of trailers and glider kits, which are new truck frames fit with old engines, are seeking exemptions from the rules that were finalized in October (*Climatewire*, Aug. 18). But EPA Administrator Scott Pruitt's proposal is facing opposition from the wider trucking industry, which sees a better bottom line in higher fuel efficiency and regulatory certainty.

Argentina reserves right to legal action on U.S. biodiesel duties

By Reuters

BUENOS AIRES, Aug 24 (Reuters) - Argentina's government is investigating all options and reserves the right to take legal action over the United States imposing steep duties

on imports of its biodiesel, the foreign ministry said in a statement on Thursday. The statement said the imposition of duties above 50 percent, announced on Tuesday, does not correspond to any type of methodology acceptable under the rules of the World Trade Organization (WTO). In 2016, 90 percent of the 1.6 million tonnes of biodiesel Argentina exported went to the United States, Argentine government data shows.

Low-Voltage EV Proves Durability in Zurich Testing

Paul Myles | *WardsAuto*

A low-voltage electric sports car passes the 62,000-mile (100,000-km) test milestone without needing major service. Specialist automaker nanoFlowcell sees its Quantino 48V break the barrier while driving in downtown Zurich with the vehicle's advanced self-diagnosis system still not ready to enter "maintenance" mode. The car is running real-world trials to showcase the technology as a cleaner, greener and less-costly alternative to lithium-ion-powered battery-electric vehicles. Its technology employs a cell membrane with six cells arranged in series to operate low-voltage motors. The system uses two fuel tanks of electrolytic fluids, one with a positive charge and the other with a negative. This flow-cell technology is a combination of battery and fuel-cell power fed by an electrolyte liquid called bi-ION, which mainly consists of water.

Germany's 'Diesel Fear' Leaves \$5 Billion in Used Cars Gathering Dust

Elisabeth Behrmann, Bloomberg

- Dealers report 300,000 Euro-5 vehicles clogging up lots
- Doubts remain whether software updates can avoid driving bans

Germany's back and forth over potential bans for diesel cars in cities is sapping demand for the vehicles and causing a backlog of used models on dealer lots that's swelled to some 4.5 billion euros (\$5.3 billion). A [deal](#) earlier this month between Germany and [Volkswagen AG](#), [Daimler AG](#) and [BMW AG](#) to upgrade 5 million newer diesel cars and offer trade-in incentives on older models hasn't eliminated concerns about pollution from the technology. Citing government tests, German Environment Minister Barbara Hendricks told reporters this week that the planned software upgrades are "insufficient" for many cities to meet the legal limit for smog-inducing nitrogen oxides in the air.

UK 'can halve oil imports by banning new petrol and diesel cars in 2030'

The Guardian

An ambitious target to phase out sales of new petrol and diesel cars by 2030 could

halve UK oil imports, a study by environmental and aid organisations suggests. The government has announced plans to ban the sale of conventional combustion engine cars and vans by 2040 as part of its efforts to tackle air pollution and climate change, a move the groups welcomed as a step in the right direction.

To: Dunham, Sarah[Dunham.Sarah@epa.gov]
Cc: Grundler, Christopher[grundler.christopher@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]
From: Charmley, William
Sent: Fri 10/27/2017 10:15:48 PM
Subject: Re: Gliders

Sarah

Ex. 5 - Deliberative Process

Thanks
Bill

On Oct 27, 2017, at 5:46 PM, Dunham, Sarah <Dunham.Sarah@epa.gov> wrote:

Ex. 5 - Deliberative Process

-----Original Message-----

From: Dunham, Sarah

Sent: Friday, October 27, 2017 5:44 PM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Lewis, Josh
<Lewis.Josh@epa.gov>

Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>

Subject: RE: Gliders

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

-----Original Message-----

From: Gunasekara, Mandy

Sent: Friday, October 27, 2017 5:21 PM

To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>

Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>

Subject: RE: Gliders

Per Millet's note, when did OTAQ do the first test? Can you send me the results?

-----Original Message-----

From: Dunham, Sarah

Sent: Friday, October 27, 2017 3:41 PM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>

Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>

Subject: RE: Gliders

We're checking.

-----Original Message-----

From: Gunasekara, Mandy

Sent: Friday, October 27, 2017 3:39 PM

To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>

Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>

Subject: Gliders

We got a press question asking whether OTAQ is doing emissions testing on gliders? Have we before or are we in the process?

Sent from my iPhone

To: Moulis, Charles[moulis.charles@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov];
Parsons, Christy[Parsons.Christy@epa.gov]
Cc: Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]
From: Charmley, William
Sent: Tue 10/31/2017 2:45:28 PM
Subject: FW: Glider NPRM update

Fyi. I don't think we have any actions items in relationship to this email at this time.

Bill

From: Hengst, Benjamin
Sent: Tuesday, October 31, 2017 9:24 AM
To: Charmley, William <charmley.william@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: FW: Glider NPRM update

From: Gunasekara, Mandy
Sent: Tuesday, October 31, 2017 9:22 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Harlow, David <harlow.david@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>;
Grundler, Christopher <grundler.christopher@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>;
Orlin, David <Orlin.David@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bolen, Brittany
<bolen.brittany@epa.gov>
Subject: Re: Glider NPRM update

Ex. 5 - Attorney Client

Sent from my iPhone

On Oct 31, 2017, at 8:49 AM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

Mandy, David: we wanted to provide a quick update on what we know about where things stand on the glider NPRM.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process; Attorney Client

Please let us know if you have any questions.

Thanks,

Ben

To: Nelson, Brian[nelson.brian@epa.gov]
Cc: Parsons, Christy[Parsons.Christy@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]
From: Charmley, William
Sent: Fri 1/19/2018 3:12:15 PM
Subject: RE: Comments on the glider NPRM from the Glider Kit - technical comment regarding the impact of ULSD

Brian –

Ex. 5 - Deliberative Process

Thanks

Bill

From: Nelson, Brian
Sent: Friday, January 19, 2018 9:04 AM
To: Charmley, William <charmley.william@epa.gov>
Cc: Parsons, Christy <Parsons.Christy@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>
Subject: RE: Comments on the glider NPRM from the Glider Kit - technical comment regarding the impact of ULSD

Bill,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks,

Brian

From: Charmley, William

Sent: Wednesday, January 17, 2018 5:03 PM

To: Moulis, Charles <moulis.charles@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>;
Mitchell, George <Mitchell.George@epa.gov>

Cc: Parsons, Christy <Parsons.Christy@epa.gov>

Subject: Comments on the glider NPRM from the Glider Kit - technical comment regarding the impact of ULSD

Dear Chuck, Brian, and George –

In the NPRM comments from the Glider Kit Association of America, on page 4 of the comments, is the following paragraph:

The Report is also littered with significant and fatal flaws. First and foremost, it is in stark contrast to the EPA's own data for its four-year phase-in of ultra-low sulfur fuel. EPA's studies and website proclaim that the use of ultra-low sulfur fuel reduces emissions over 90 percent. The Report purports to have used ultra-low sulfur diesel fuel in its tests which of course has been mandated since 2010, but somehow the emissions are comparable to emissions standards prior to the mandate. These results are impossible to reconcile. Either the Report is flawed or the EPA's multi-year project on low-sulfur fuel is flawed. It seems to us which of the two is unreliable.

⁶ *Overview of Greenhouse Gases*, United States Environmental Protection Agency, <https://www.epa.gov/ghgemissions/overview-greenhouse-gases>.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks

Bill

To: Moulis, Charles[moulis.charles@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
Cc: Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]; Angela Cullen[Cullen.Angela@epa.gov]
From: Charmley, William
Sent: Tue 10/17/2017 9:22:30 PM
Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

Chuck, Cay and Christy –

Thanks for all of your work on this topic over the past few weeks. I know we have changed course a number of times.

It's good that we have the draft NPRM into the leadership's hands today.

Bill

From: Moulis, Charles
Sent: Tuesday, October 17, 2017 4:24 PM
To: Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

Here is a version without the OGC redline.

From: Charmley, William

Sent: Tuesday, October 17, 2017 4:16 PM

To: Orlin, David <Orlin.David@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

David and Chuck -

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

From: Orlin, David

Sent: Tuesday, October 17, 2017 4:04 PM

To: Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

Ex. 5 - Deliberative Process; Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Moulis, Charles

Sent: Tuesday, October 17, 2017 3:54 PM

To: Sutton, Tia <sutton.tia@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

Ben,

Ex. 5 - Deliberative Process; Attorney Client

From: Sutton, Tia

Sent: Tuesday, October 17, 2017 3:12 PM

To: Moulis, Charles <moulis.charles@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

Ex. 5 - Deliberative Process; Attorney Client

From: Moulis, Charles

Sent: Tuesday, October 17, 2017 11:48 AM

To: Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

Here is the latest version of the glider rule. Note that it still includes edits that need to be accepted or rejected.

To: Parsons, Christy[Parsons.Christy@epa.gov]; Moulis, Charles[moulis.charles@epa.gov];
Nelson, Brian[nelson.brian@epa.gov]
From: Charmley, William
Sent: Thur 1/4/2018 9:07:44 PM
Subject: RE: status of meeting requests for OTAQ to brief Bill Wehrum on gliders

Christy,

This will work. Let's see when they actually get scheduled, and based on that we can decide about a pre-brief with Chris. I am not too worried about a pre-brief for the first briefing, but I

Ex. 5 - Deliberative Process

Thanks

Bill

From: Parsons, Christy
Sent: Thursday, January 04, 2018 4:06 PM
To: Charmley, William <charmley.william@epa.gov>; Moulis, Charles
<moulis.charles@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>
Subject: RE: status of meeting requests for OTAQ to brief Bill Wehrum on gliders

Thanks Bill. I just sent two meeting request forms to Gwen Stewart for the 2 future briefings.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Christy

From: Charmley, William

Sent: Thursday, January 04, 2018 4:01 PM

To: Moulis, Charles <moulis.charles@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>;

Parsons, Christy <Parsons.Christy@epa.gov>

Subject: status of meeting requests for OTAQ to brief Bill Wehrum on gliders

Dear Chuck, Christy and Brian –

Ex. 5 - Deliberative Process

Thanks

Bill

\

To: Sutton, Tia[sutton.tia@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]
Cc: Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Charmley, William
Sent: Tue 11/7/2017 5:51:57 PM
Subject: RE: Current version of Glider NPRM

Tia –

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

From: Sutton, Tia

Sent: Tuesday, November 07, 2017 11:21 AM

To: Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>

Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: Current version of Glider NPRM

Hi all,

Here's the working version of the Glider NPRM that we should use for any additional edits from here on out.

Ex. 5 - Deliberative Process; Attorney Client

Ben or Dave – please jump in if there's anything I missed!

-Tia

To: Brewer, Tom[TBrewer@tntech.edu]
From: Charmley, William
Sent: Tue 11/14/2017 1:57:20 PM
Subject: RE: Tennessee Tech Univ - Follow Up

Dear Tom –

Below is a draft summary of the conference call from last week. We will be placing a summary of what we learned regarding the TTU test program into EPA's public docket for the heavy-duty glider rulemaking.

If you and your colleagues have the opportunity to review this for accuracy and can provide me with any suggested comments by noon on Friday of this week (November 17) I would appreciate it.

Best regards,

Bill

DRAFT

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Charmley, William
Sent: Friday, November 10, 2017 4:31 PM
To: 'Brewer, Tom' <TBrewer@tnitech.edu>
Subject: RE: Tennessee Tech Univ - Follow Up

Dear Tom,

Thanks for this follow-up information, and thank you again for the time this past Tuesday.

My staff are writing up a memo to document what we learned from our call to help us and others better understand the test equipment, procedures and test cycles that the Tennessee Tech team used. We will send you a draft of that memo next week to make sure we captured the information accurately. We will be able to include the equipment specifications/make/model for both the dynamometer and the emissions analyzer based on the links you provided below.

One follow-up question we had was whether or not you would be able to release the following additional information for each of the vehicles tested;

- Vehicle mileage, vehicle model year, and if not the engine model year for each of the test articles
- Emissions test results for each test mode for each vehicles – that is, the emissions rates at the idle test point, and the 25%, 50%, 75%, and 100% load points, for each of the emissions that were measured.

If you and your team decide to test additional vehicles, one topic we would want to follow up with you on to make some suggestions is the stabilization time at each of the test points. With engines that don't have catalyst systems, the stabilization time for a steady-state test point can be relatively short. However, for the engines produced in 2007 and later, and in particular the 2010 model year and later engines, the warm-up times for stabilizing the engine+catalyst systems is much longer than 50 seconds. We can provide some data on this topic if that would be helpful.

Thank you for the invitation for the EPA staff to come to Tennessee Tech. I think if you and your team are going to be testing additional heavy-duty vehicles in the future it may be useful for a few of my staff to come down to learn about your procedures.

Finally, you and your colleagues (professors, technicians, researchers, students) are welcome any time to come to the EPA emissions laboratory in Ann Arbor. It's about an 8 hour drive from Tennessee Tech to Ann Arbor, or we are about 40 minutes from Detroit Metro Airport. As I mentioned during our call, we have a tremendous facility for vehicle and engine emissions testing. My staff and I also have a deep commitment to STEM, and would love to have the opportunity to show college students who are interested in engineering and science the type of work we do.

I hope you have a great weekend.

Sincerely,

Bill

Bill Charmley

Director

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

National Vehicle and Fuel Emissions Laboratory

2000 Traverwood Drive

Ann Arbor, MI 48105

desk ph. 734-214-4466

cell ph. 734-545-0333

e-mail: charmley.william@epa.gov

From: Brewer, Tom [<mailto:TBrewer@tntech.edu>]

Sent: Tuesday, November 07, 2017 5:46 PM

To: Charmley, William <charmley.william@epa.gov>

Subject: Tennessee Tech Univ - Follow Up

Hey Bill ... enjoyed our conversation today don't hesitate contacting me if you need anything else.

See attached file that documents our Test Procedures and the links below for both the Chassis Dyno and Combustion Analyzer.

http://www.enerac.com/?gclid=CjwKCAiA0IXQBRA2EiwAMODiI3yWqJPIH_iPqWvItRX4XCTFW5AH7NM1Ycnz9uwx8BoCDMMQAvD_BwE

(Model 500)

<https://powertestdyno.com/wp-content/uploads/sites/2/2016/03/EC-Series-Chassis-Dynamometers.pdf>

Thomas Brewer

Associate Vice President

Executive Director

TCIM – Tennessee Center for Intelligent Mobility



To: Sutton, Tia[sutton.tia@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]
Cc: Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Charmley, William
Sent: Tue 11/7/2017 4:25:21 PM
Subject: RE: Current version of Glider NPRM

Dear all –

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

From: Sutton, Tia
Sent: Tuesday, November 07, 2017 11:21 AM
To: Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Current version of Glider NPRM

Hi all,

Here's the working version of the Glider NPRM that we should use for any additional edits from here on out.

Ex. 5 - Deliberative Process; Attorney Client

Ben or Dave – please jump in if there's anything I missed!

-Tia

To: Orlin, David[Orlin.David@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Charmley, William
Sent: Tue 9/19/2017 12:27:37 PM
Subject: Re: Friday briefing with Mandy on gliders/trailers

I will be in the air at 4:30.

I can do a 5:30 call.

Sent from my iPhone

On Sep 19, 2017, at 8:17 AM, Orlin, David <Orlin.David@epa.gov> wrote:

4:30 works for me

On Sep 19, 2017, at 8:14 AM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

Would you two have time to chat at 4:30?

I'll there's now an interagency call on the NODA at noon and both David and I will be in that.

On Sep 19, 2017, at 7:48 AM, Charmley, William <charmley.william@epa.gov> wrote:

Ex. 5 - Deliberative Process; Attorney Client

I am at the airport now getting ready to fly to Chicago. I have 45 minutes before my plane boards, and then I will be available again around noon.

Sent from my iPhone

On Sep 18, 2017, at 3:50 PM, Orlin, David <Orlin.David@epa.gov> wrote:

(leaving Chris off). I'm out of the office Weds and Thursday so if we are going to be talking to Mandy on Friday, I'd like to have an internal discussion if possible on Tuesday.

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Hengst, Benjamin

Sent: Monday, September 18, 2017 3:44 PM

To: Charmley, William <charmley.william@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>

Cc: Orlin, David <Orlin.David@epa.gov>

Subject: Friday briefing with Mandy on gliders/trailers

Bill, Chris:

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Ben

To: Orlin, David[Orlin.David@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Charmley, William
Sent: Tue 10/17/2017 8:15:48 PM
Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

David and Chuck -

Ex. 5 - Deliberative Process; Attorney Client

How does that sound?

Thanks

Bill

From: Orlin, David

Sent: Tuesday, October 17, 2017 4:04 PM

To: Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

Ex. 5 - Deliberative Process; Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Moulis, Charles

Sent: Tuesday, October 17, 2017 3:54 PM

To: Sutton, Tia <sutton.tia@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

Ben,

Ex. 5 - Deliberative Process; Attorney Client

From: Sutton, Tia

Sent: Tuesday, October 17, 2017 3:12 PM

To: Moulis, Charles <moulis.charles@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

Ex. 5 - Deliberative Process; Attorney Client

From: Moulis, Charles

Sent: Tuesday, October 17, 2017 11:48 AM

To: Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

Here is the latest version of the glider rule. Note that it still includes edits that need to be accepted or rejected.

To: Grundler, Christopher[grundler.christopher@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Charmley, William
Sent: Wed 11/1/2017 1:11:31 PM
Subject: RE: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)

Chris,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks

Bill

<< DRAFT E-mail >>

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

From: Grundler, Christopher
Sent: Wednesday, November 01, 2017 8:05 AM
To: Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Fwd: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)

Here is the latest. Ex. 5 - Deliberative Process

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

Begin forwarded message:

From: "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Date: October 31, 2017 at 4:26:06 PM EDT
To: "Charmley, William" <charmley.william@epa.gov>, "Grunder, Christopher"

<grundler.christopher@epa.gov>, "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>
Subject: Fwd: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)

Sent from my iPhone

Begin forwarded message:

From: "Harlow, David" <harlow.david@epa.gov>
Date: October 31, 2017 at 4:18:38 PM EDT
To: "Dunham, Sarah" <Dunham.Sarah@epa.gov>, "Lewis, Josh" <Lewis.Josh@epa.gov>
Subject: FW: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)

Yet another version, but I think we're getting close to having this done.

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Harlow, David
Sent: Tuesday, October 31, 2017 4:11 PM
To: Baptist, Erik <baptist.erik@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)

Ex. 5 - Deliberative Process; Attorney Client

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Baptist, Erik
Sent: Tuesday, October 31, 2017 3:37 PM
To: Harlow, David <harlow.david@epa.gov>; Bolen, Brittany
<bolen.brittany@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)

Attorney-Client Privilege

Deliberative

David,

Ex. 5 - Deliberative Process; Attorney Client

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Harlow, David

Sent: Tuesday, October 31, 2017 2:28 PM

To: Bolen, Brittany <bolen.brittany@epa.gov>

Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Baptist, Erik
<baptist.erik@epa.gov>

Subject: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thanks.

**David S. Harlow
Senior Counsel**

**Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K**

**1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233**

Harlow.David@epa.gov

To: Parsons, Christy[Parsons.Christy@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]; Angela Cullen[Cullen.Angela@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]
From: Charmley, William
Sent: Thur 11/16/2017 12:45:02 PM
Subject: FW: section 317 memo for gliders docket

Dear all –

Please see below regarding the Section 317 memo.

I am assuming we will hear within a few hours what the next step is on finalizing the memo.

Thanks

Bill

From: Charmley, William
Sent: Thursday, November 16, 2017 7:43 AM
To: Harlow, David <harlow.david@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: section 317 memo for gliders docket

Dear all –

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

From: Harlow, David

Sent: Wednesday, November 15, 2017 6:43 PM

To: Baptist, Erik <baptist.erik@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>

Cc: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Subject: RE: section 317 memo for gliders docket

Excellent, Erik, and thanks! Gentlemen (and Mandy), I leave you all in Erik's capable hands to help finish this off tomorrow.

David S. Harlow
Senior Counsel

Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Baptist, Erik
Sent: Wednesday, November 15, 2017 6:40 PM
To: Harlow, David <harlow.david@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: section 317 memo for gliders docket

Ex. 5 - Deliberative Process; Attorney Client

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Harlow, David
Sent: Wednesday, November 15, 2017 6:35 PM
To: Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: section 317 memo for gliders docket

All,

Ex. 5 - Deliberative Process; Attorney Client; Attorney Work Product

Ex. 5 - Deliberative Process; Attorney Client

David S. Harlow
Senior Counsel

Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Charmley, William
Sent: Wednesday, November 15, 2017 5:41 PM
To: Harlow, David <harlow.david@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: section 317 memo for gliders docket

Dear all –

Ex. 5 - Deliberative Process; Attorney Client; Attorney Work Product

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

From: Harlow, David

Sent: Wednesday, November 15, 2017 5:17 PM

To: Orlin, David <Orlin.David@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>

Subject: FW: section 317 memo for gliders docket

Importance: High

Gentlemen,

Ex. 5 - Deliberative Process; Attorney Client

Thanks to you all for your good work in getting this done.

David S. Harlow
Senior Counsel

Immediate Office of the Assistant Administrator

**Office of Air and Radiation, USEPA
WJC-N Room 5409K**

**1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233**

Harlow.David@epa.gov

From: Baptist, Erik
Sent: Wednesday, November 15, 2017 4:57 PM
To: Harlow, David <harlow.david@epa.gov>
Subject: FW: section 317 memo for gliders docket
Importance: High

FYI!

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Orlin, David
Sent: Wednesday, November 15, 2017 4:54 PM
To: Baptist, Erik <baptist.erik@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>; Srinivasan, Gautam
<Srinivasan.Gautam@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>

Subject: section 317 memo for gliders docket

Erik,

Ex. 5 - Deliberative Process; Attorney Client; Attorney Work Product

Ex. 5 - Deliberative Process; Attorney Client; Attorney Work Product

Ex. 5 - Deliberative Process; Attorney Client; Attorney Work Product

Thanks,

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

To: Grundler, Christopher[grundler.christopher@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Charmley, William
Sent: Thur 11/30/2017 11:29:59 AM
Subject: Glider vehicle test program - OCIR inquiry

Chris and Ben

Ex. 5 - Deliberative Process

Thanks,

Bill

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Not Responsive

Ex. 5 - Deliberative Process

Not Responsive

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Grundler, Christopher[grundler.christopher@epa.gov]
From: Charmley, William
Sent: Mon 10/9/2017 7:59:54 PM
Subject: Re: Gliders

Not Responsive

Sent from my iPhone

On Oct 9, 2017, at 3:39 PM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

Not Responsive

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

On Oct 9, 2017, at 3:15 PM, Charmley, William <charmley.william@epa.gov> wrote:

Chris –

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

From: Grundler, Christopher
Sent: Monday, October 09, 2017 2:57 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: Fwd: Gliders

Since you are on duty let me share this bad news from Friday. I did not want to spoil your weekend)

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington DC)

734.214.4207 (Ann Arbor MI)

734.645.5221 (mobile)

www.epa.gov/otaq

Begin forwarded message:

From: "Grundler, Christopher" <grundler.christopher@epa.gov>

Date: October 6, 2017 at 6:59:14 PM EDT

To: "Dunham, Sarah" <Dunham.Sarah@epa.gov>

Cc: "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Lewis, Josh" <Lewis.Josh@epa.gov>

Subject: Re: Gliders

Ex. 5 - Deliberative Process; Attorney Client

C--

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington DC)

734.214.4207 (Ann Arbor MI)

734.645.5221 (mobile)

www.epa.gov/otaq

On Oct 6, 2017, at 6:49 PM, Dunham, Sarah <Dunham.Sarah@epa.gov> wrote:

Ex. 5 - Deliberative Process; Attorney Client

We can talk Tuesday.

On Oct 6, 2017, at 5:46 PM, Grundler, Christopher
<grundler.christopher@epa.gov> wrote:

Ex. 5 - Deliberative Process; Attorney Client

We have time with you Tuesday morning. I am not forwarding your note to Bill C.

FYI the CEO of Fitzgerald met with Mulvaney this morning.

Have a great weekend

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington DC)

734.214.4207 (Ann Arbor MI)

734.645.5221 (mobile)

www.epa.gov/otaq

On Oct 6, 2017, at 5:33 PM, Dunham, Sarah
<Dunham.Sarah@epa.gov> wrote:

Ex. 5 - Deliberative Process

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]
From: Charmley, William
Sent: Mon 10/9/2017 7:15:41 PM
Subject: RE: Gliders

Chris –

Ex. 5 - Deliberative Process

Thanks

Bill

From: Grundler, Christopher
Sent: Monday, October 09, 2017 2:57 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: Fwd: Gliders

Since you are on duty let me share this bad news from Friday. I did not want to spoil your weekend)

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington DC)

734.214.4207 (Ann Arbor MI)

734.645.5221 (mobile)

www.epa.gov/otaq

Begin forwarded message:

From: "Grunder, Christopher" <grunder.christopher@epa.gov>
Date: October 6, 2017 at 6:59:14 PM EDT
To: "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Cc: "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Lewis, Josh" <Lewis.Josh@epa.gov>
Subject: Re: Gliders

Ex. 5 - Deliberative Process; Attorney Client

C--

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington DC)

734.214.4207 (Ann Arbor MI)

734.645.5221 (mobile)

www.epa.gov/otaq

On Oct 6, 2017, at 6:49 PM, Dunham, Sarah <Dunham.Sarah@epa.gov> wrote:

Ex. 5 - Deliberative Process; Attorney Client

We can talk Tuesday.

On Oct 6, 2017, at 5:46 PM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

Ex. 5 - Deliberative Process; Attorney Client

We have time with you Tuesday morning. I am not forwarding your note to Bill C.

FYI the CEO of Fitzgerald met with Mulvaney this morning.

Have a great weekend

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

On Oct 6, 2017, at 5:33 PM, Dunham, Sarah <Dunham.Sarah@epa.gov> wrote:

Ex. 5 - Deliberative Process

Sent from my iPhone

To: Orlin, David[Orlin.David@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Mark Kataoka (Kataoka.Mark@epa.gov)[Kataoka.Mark@epa.gov]; Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
From: Charmley, William
Sent: Tue 9/26/2017 11:43:33 AM
Subject: FW: Follow-up/Gliders

Dear all –

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

From: Charmley, William
Sent: Tuesday, September 26, 2017 7:41 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>

Subject: RE: Follow-up/Gliders

Dear Sarah and Chris

Ex. 5 - Deliberative Process; Attorney Client

Please let us know if you have more questions on this. We will follow-up with OGC to make sure we didn't miss something.

Bill

From: Charmley, William
Sent: Monday, September 25, 2017 12:24 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>
Subject: RE: Follow-up/Gliders

Sarah and Chris –

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

From: Dunham, Sarah
Sent: Monday, September 25, 2017 12:02 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: RE: Follow-up/Gliders

Thanks Chris—this is helpful

From: Grundler, Christopher
Sent: Monday, September 25, 2017 11:26 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: Follow-up/Gliders

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington, DC)

734.214.4207 (Ann Arbor, MI)

To: Moulis, Charles[moulis.charles@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov];
Parsons, Christy[Parsons.Christy@epa.gov]
Cc: Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]
From: Charmley, William
Sent: Mon 9/25/2017 6:09:02 PM
Subject: FW: Follow-up/Gliders

Dear all –

Ex. 5 - Deliberative Process

Thanks

Bill

From: Charmley, William
Sent: Monday, September 25, 2017 12:24 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>
Subject: RE: Follow-up/Gliders

Sarah and Chris –

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

From: Dunham, Sarah

Sent: Monday, September 25, 2017 12:02 PM

To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: RE: Follow-up/Gliders

Thanks Chris—this is helpful

From: Grundler, Christopher
Sent: Monday, September 25, 2017 11:26 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: Follow-up/Gliders

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington, DC)

734.214.4207 (Ann Arbor, MI)

To: Kataoka, Mark[Kataoka.Mark@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Charmley, William[charmley.william@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Orlin, David[Orlin.David@epa.gov]
From: Sargeant, Kathryn
Sent: Thur 11/2/2017 4:48:38 PM
Subject: RE: Revised draft of gliders NPRM

Ex. 5 - Deliberative Process; Attorney Client

From: Kataoka, Mark
Sent: Thursday, November 02, 2017 12:47 PM
To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Re: Revised draft of gliders NPRM

Ex. 5 - Deliberative Process; Attorney Client

Sent from my iPhone

On Nov 2, 2017, at 12:36 PM, Sargeant, Kathryn <sargeant.kathryn@epa.gov> wrote:

Ex. 5 - Deliberative Process

From: Hengst, Benjamin
Sent: Thursday, November 02, 2017 12:28 PM
To: Charmley, William <charmley.william@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Cc: Sutton, Tia <sutton.tia@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: FW: Revised draft of gliders NPRM

All – see below.

Ex. 5 - Deliberative Process; Attorney Client

Ben

From: Harlow, David

Sent: Thursday, November 02, 2017 12:14 PM

To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: Revised draft of gliders NPRM

All,

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

To: Revelt, Jean-Marie[revelt.jean-marie@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
Cc: Cullen, Angela[cullen.angela@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]
From: Charmley, William
Sent: Tue 11/14/2017 9:10:14 PM
Subject: FW: OOIDA Surveys
[2017 LL Reader Survey - Analysis.docx](#)
[2016 Owner-Operator Survey - FINAL.pdf](#)
[Owner-Operator Survey Comparison - 2016 Template EPA.xlsx](#)

Dear all –

Here is the information that OOIDA sent as a follow-up to our meeting.

I think we will need to circle back with OOIDA before we use this data in the context of the glider rulemaking or if we wanted to make this data publically available. It may very well be that it is already available to the public/releasable, but we will want to check with OOIDA just to be sure.

Thanks

Bill

From: Thomas Weakley [mailto:Tom_Weakley@ooida.com]
Sent: Tuesday, November 14, 2017 3:29 PM
To: Charmley, William <charmley.william@epa.gov>
Cc: Scott Grenerth <Scott_Grenerth@ooida.com>
Subject: OOIDA Surveys

A whole lot more information than you need but a good profile of who the owner-operator is. I am also attaching the survey done for our marketing department for the magazine LandLine (Our magazine) with an articulated circulation of over 220,000. Not all of these respondents are

members of OOIDA but they are the ones that ask about glider preference. Unfortunately they do not ask what regions of the country the respondents are from like we do so we are unable to drill down and give you the answer as to which regions are more likely to look at glider kits. I highlighted the landline Survey questions and answers that are pertinent.

Thomas Weakley

Director of Operations, Foundation

OOIDA Foundation

OOIDA Foundation, Inc.

Toll Free 800-444-5791

Local 816-229-5791

Fax

Ext. 1123

tom_weakley@ooida.com



Please consider the environment before printing this e-mail.

This message contains confidential information. Unless you are the addressee or authorized to receive confidential information for the addressee, you may not retain, copy, use, or distribute this information. If you have received this message in error, please delete it and advise the sender immediately.

To: Bolen, Brittany[bolen.brittany@epa.gov]
From: Dravis, Samantha
Sent: Fri 5/19/2017 1:13:11 PM
Subject: FW: OP Tracker updates

From: Gunasekara, Mandy
Sent: Friday, May 19, 2017 8:48 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: OP Tracker updates

Not Responsive; Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Not Responsive; Ex. 5 - Deliberative Process

Not Responsive; Ex. 5 - Deliberative Process

From: Dravis, Samantha

Sent: Thursday, May 18, 2017 5:19 PM

To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>

Cc: Bolen, Brittany <bolen.brittany@epa.gov>

Subject: OP Tracker updates

Could everyone look through the Excel sheet and send me an email with your updates by tomorrow? I am leaving tomorrow afternoon and need to make those updates to the spreadsheet tomorrow – thanks in advance.

Samantha

To: Kataoka, Mark[Kataoka.Mark@epa.gov]
Cc: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Schmidt, Lorie[Schmidt.Lorie@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Srinivasan, Gautam[Srinivasan.Gautam@epa.gov]; Mills, Derek[Mills.Derek@epa.gov]
From: Baptist, Erik
Sent: Thur 8/17/2017 2:35:35 PM
Subject: RE: Trailer and Glider response letters

Mark,

I should be available around 11:35 a.m.

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Kataoka, Mark
Sent: Thursday, August 17, 2017 10:30 AM
To: Baptist, Erik <baptist.erik@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>
Subject: RE: Trailer and Glider response letters

Erik,

Ex. 5 - Attorney Client; Attorney Work Product; Deliberative

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Kataoka, Mark

Sent: August 16, 2017 10:35 PM

To: Baptist, Erik <baptist.erik@epa.gov>

Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>

Subject: Re: Trailer and Glider response letters

Yes

Ex. 5 - Attorney Client; Attorney Work Product; Deliberative

Mark

Sent from my iPhone

On Aug 16, 2017, at 8:55 PM, Baptist, Erik <baptist.erik@epa.gov> wrote:

Mark,

Ex. 5 - Attorney Client; Attorney Work Product; Deliberative

Erik

Sent from my iPhone

On Aug 16, 2017, at 5:43 PM, Kataoka, Mark <Kataoka.Mark@epa.gov> wrote:

Ex. 5 - Attorney Client; Attorney Work Product; Deliberative

Ex. 5 - Attorney Client; Attorney Work Product; Deliberative

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Gunasekara, Mandy

Sent: August 16, 2017 12:29 PM

To: Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>

Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>

Subject: RE: Glider response letter (revised draft), plus some other materials

Ex. 5 - Attorney Client; Deliberative Process

From: Schmidt, Lorie

Sent: Wednesday, August 16, 2017 11:31 AM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>

Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>

Subject: RE: Glider response letter (revised draft), plus some other materials

Mandy

Ex. 5 - Attorney Client; Deliberative Process

Lorie

Lorie Schmidt

Associate General Counsel, Air and Radiation

Office of General Counsel

US Environmental Protection Agency

(202)564-1681

From: Gunasekara, Mandy
Sent: Wednesday, August 16, 2017 11:03 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Glider response letter (revised draft), plus some other materials

My edits are included in the attached.

Ex. 5 - Attorney Client; Deliberative Process

Please let me know of any questions and/or concerns with included edits.

Best,

Mandy

From: Hengst, Benjamin
Sent: Wednesday, August 16, 2017 9:25 AM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Glider response letter (revised draft), plus some other materials

All: here's the current version of the glider letter in redline.

Mandy – please let me know if you are OK with this and we'll get a clean version down through OAR today.

Ex. 5 - Attorney Client; Deliberative Process

Thanks

Ben

From: Kataoka, Mark
Sent: Tuesday, August 15, 2017 5:24 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Glider response letter (revised draft), plus some other materials

Sorry

Ex. 5 - Attorney Client; Deliberative Process

From: Kataoka, Mark
Sent: August 15, 2017 5:22 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Glider response letter (revised draft), plus some other materials

Ex. 5 - Attorney Client; Deliberative Process

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Hengst, Benjamin

Sent: August 15, 2017 5:05 PM

To: Baptist, Erik <baptist.erik@epa.gov>

Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: Re: Glider response letter (revised draft), plus some other materials

Hi folks. Please respond with any further edits to the document to this email chain. For some reason Lee's personal email address keeps popping up and it seems easier just to remove it from this chain altogether. Thanks. Ben

On Aug 15, 2017, at 4:26 PM, Baptist, Erik <baptist.erik@epa.gov> wrote:

Attached please find some suggested edits for your consideration.

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Hengst, Benjamin

Sent: Tuesday, August 15, 2017 10:02 AM

To: Baptist, Erik <baptist.erik@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>

Cc: Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; **Ex. 6 - Personal Privacy**

Subject: FW: Glider response letter (revised draft), plus some other materials

Resending with corrected email for Lee Cook, Acting Office Director for OTAQ this week. Ben

Subject: Glider response letter (revised draft), plus some other materials

Hi folks—attached is an updated draft glider response letter for your review.

Please note that OGC career staff have not reviewed the draft letter yet (Mark was out; David is out). I'm copying Mark (who returns to the office today) and Lorie here so they have a chance to look at this as well.

Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

We'll move this letter once review has concluded. Thanks, Ben

<HD gliders intent to revisit 8.15.17 ecb.docx>

To: Dunham, Sarah[Dunham.Sarah@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]
From: Grundler, Christopher
Sent: Fri 10/6/2017 9:46:15 PM
Subject: Re: Gliders

Sarah-

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

We have time with you Tuesday morning. I am not forwarding your note to Bill C.

FYI the CEO of Fitzgerald met with Mulvaney this morning.

Have a great weekend

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)

Ex. 6 - Personal Privacy

www.epa.gov/otaq

On Oct 6, 2017, at 5:33 PM, Dunham, Sarah <Dunham.Sarah@epa.gov> wrote:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Happy to talk now or over the weekend or if you'd prefer to wait till

Tuesday that's OK with me also. My phone is

Ex. 6 - Personal Privacy

Sent from my iPhone

To: Wehrum, Bill[Wehrum.Bill@epa.gov]
Cc: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Harlow, David[harlow.david@epa.gov]
From: Grundler, Christopher
Sent: Thur 11/30/2017 10:07:21 PM
Subject: Glider Testing Timeline

Ex. 5 - Deliberative Process

Let me know if you have any questions

Chris

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Grundler, Christopher
Sent: Tue 10/31/2017 1:36:36 PM
Subject: Re: Glider NPRM update

Perfect

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

On Oct 31, 2017, at 8:49 AM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

Mandy, David: we wanted to provide a quick update on what we know about where things stand on the glider NPRM.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process; Attorney Client

Please let us know if you have any questions.

Thanks,

Ben

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Grundler, Christopher
Sent: Tue 10/31/2017 1:38:28 AM
Subject: Re: Glider rescission NPRM: update

Yes, pls do.

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

On Oct 30, 2017, at 9:08 PM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

You want me to send anything? Wasn't sure if Sarah was hinting at anything here.

Begin forwarded message:

From: "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>
Date: October 30, 2017 at 4:48:29 PM EDT
To: "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Cc: "Grundler, Christopher" <grundler.christopher@epa.gov>, "William Charmley (charmley.william@epa.gov)" <charmley.william@epa.gov>
Subject: RE: Glider rescission NPRM: update

Chris, Bill and I all felt it was appropriate to help educate a bit in this case—to share what we'd normally be doing, and to make explicit what OTAQ is currently doing and not doing. Part of this was simply to be above-board about where things stand from our perspective.

However, perhaps that's not necessary.

I'll let Chris weigh in on this one. Chris—let me know if you'd like me to send something on to Mandy and David.

Ben

From: Dunham, Sarah
Sent: Monday, October 30, 2017 4:44 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Grundler, Christopher <grundler.christopher@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: Re: Glider rescission NPRM: update

Thanks, I think. I have to admit to not completely following what the main thing that needs to be communicated to Mandy and David at this point is. So I would suggest you send a note to them, cc'ing me and others as appropriate, with what it is you think they need to know about where things stand. If that misses the point of what you need, I'm happy to talk.

On Oct 30, 2017, at 4:37 PM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

Hi Sarah:

I spoke with Chris and Bill earlier today and we wanted to pass along a few notes on where things stand with the glider NPRM. Please share with David Harlow, Mandy and others as you see fit, or let us know how you'd like to otherwise communicate this.

- As you know, last week OMB sent us interagency comments on the draft NPRM, and we also heard comments over the phone from DOJ.
- Typically, at this point EPA would send a revised version of the rule (the passback) to OMB. That document would respond to interagency bubble comments, line edits, and any verbal comments. OMB staff today asked us when we were planning on sending the passback to them; we told them (Jim L, Chad)

that we'd get back to them but didn't have an immediate answer.

- [REDACTED] OMB staff told us that they shared with OMB political management that OMB staff were trying to wrap their review up by tomorrow.

- [REDACTED] As I mentioned to David Harlow last week, OTAQ has reviewed the interagency comments but we have not made edits to the package, nor done any additional analysis (as some commenters wanted). We have seen David's revised documents (which respond to many of the interagency comments) but have not made edits to his revised documents.

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

- [REDACTED] We will not send anything to OMB until given that direction by Mandy/David Harlow/you. That passback, as you know, will be docketed and will ultimately be available to the public.

Please let us know if you have any questions.

Thanks,

Ben

To: Baptist, Erik[baptist.erik@epa.gov]; Harlow, David[harlow.david@epa.gov]; wehrum.william@epa.gov[wehrum.william@epa.gov]
From: Gunasekara, Mandy
Sent: Fri 11/17/2017 1:56:34 PM
Subject: RE: OTAQ Article on GHG Rules

Adding in Bill for awareness.

From: Baptist, Erik
Sent: Friday, November 17, 2017 8:48 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>
Subject: OTAQ Article on GHG Rules

Mandy and David:

Thought you would be interested in this article.

<https://insideepa.com/daily-news/pruitt-freezing-out-otaq-expertise-epa-vehicle-ghg-rule-overhauls>

Pruitt 'Freezing Out' OTAQ Expertise In EPA Vehicle GHG Rule Overhauls

November 16, 2017

EPA Administrator Scott Pruitt is “freezing out” technical input from his Office of Transportation & Air Quality (OTAQ) as the agency reopens Obama-era greenhouse rules for heavy-duty trucks and passenger cars, say sources who fear the agency’s vast engineering expertise on emissions controls it has built up over decades could be marginalized.

“What you have is an administrator who is determined to repeal as much as possible,” says one environmentalist, even if that means giving short shrift to public health considerations. “He doesn’t trust that the staff is going to follow his direction and he is just avoiding them. What you end up with is proposals that have almost no technical analysis.”

Most egregious so far, sources say, is a proposal published in [the Nov. 16 *Federal Register*](#) to repeal the portion of the 2016 heavy-duty GHG rule that applies to “glider” vehicles, which combine new truck bodies with rebuilt drivetrains, with virtually no [new technical review](#). Critics cite the proposal’s heavy emphasis on new legal claims that Congress did not intend for EPA to regulate gliders, adding it largely brushes aside concerns that the vehicles will boost pollution.

Similarly, [the *Washington Post* reported](#) about ongoing testing of gliders at the agency that had not been completed prior to release of the proposal, and which was thus unable to inform the agency’s technical rationale for the repeal plan.

EPA is also expected to issue a proposal early next year to repeal the portion of the heavy-duty rule that applies to tractor trailers based on a legal interpretation advanced by trailer manufacturers that they do not make “motor vehicles” subject to Clean Air Act regulation. That would reverse Obama EPA conclusions – supported by the National Academy of Sciences – that a trailer is an integral component of a regulated motor vehicle.

Also, EPA is reopening a “mid-term review” of Obama-era rules for model year 2022-2025 light-duty vehicles, and it is widely expected to try to give automakers some relief from the current standards that were projected to significantly boost vehicle fuel economy.

OTAQ's role in the light-duty rule review is murky, with sources noting that if EPA wants to legally justify a weaker standard, it would have to develop a robust technical record for why the current standards -- which are backed by an Obama-era technical assessment report (TAR) that is not expected to be redone -- are not achievable.

EPA has sought comment on its plan to reopen the rule. The next steps are not clear, other than it has said it will issue a new determination by April 1 about whether the MY22-25 rules are “appropriate” under the air law. However, that deadline might slip, according to one informed source.

OTAQ's role in the mid-term review was already undercut by political staff who re-wrote the notice seeking public comment on the reopening. The *Center for Public Integrity* [reported earlier this month](#) that career EPA staff drafted a concise version of the notice, but political appointees expanded the number of vehicles affected and made the Department of Transportation (DOT) the lead agency in [the Aug. 21 Register notice](#) from both agencies.

“This was a much more major rewrite” than would have happened under previous administrations, an EPA employee told the publication. “At least one plausible outcome of this process,” the employee said, “is that the EPA would unilaterally abdicate its [legal] responsibility” to DOT.

DOT and EPA, along with California, jointly developed the MY17-25 standards in 2012, and agreed to conduct a mid-term review by April 2018 to determine if the out-year requirements were still appropriate. DOT also must write rules for MY22-25 because its statute limits how far in advance it can craft standards.

NHTSA Schedule

Furthering concern about EPA's role is a new regulatory schedule from DOT's National Highway Traffic Safety Administration (NHTSA) that [differs from EPA's](#). That agency planned to present a recommendation to Transportation Secretary Elaine Chao this month, and submit a draft proposal to the White House in December.

EPA did not respond to requests for comment about these concerns, though several sources outside the agency point to the recent Senate confirmation of air chief Bill Wehrum as a positive sign for strengthening OTAQ's role and relying more on the agency's longstanding emissions expertise rather than NHTSA, which is primarily a safety agency.

However, Dan Becker of the Safe Climate Campaign tells *Inside EPA* that it seems “the administration is freezing out the technical staff at EPA who have substantive knowledge of emissions standards, and they are relying on -- whether other people within the agency, or, I suspect, other people on K Street who work for the auto companies. . . . It is hard to see how they're going to make a rule that sticks if they don't include the substantive efforts.”

A third environmentalist agrees that EPA's political efforts are risky, pointing to the glider proposal as a prime example of changing rules without a technical basis. “The agency will have a difficult time writing defensible rules if they are shutting out their well-informed technical staff. And any ignoring of their own staff suggests they don't have a real robust case against the rule.”

As evidence of issues EPA must address with new technical analysis in that proposal, the Volvo Group in a statement to *Inside EPA* said it supports existing glider vehicle GHG rules, backing them as an “effort to curtail the rapidly growing practice of installing outdated emissions controls into what are otherwise new vehicles.”

Becker says the agency has had just one substantive briefing on the light-duty rules in which three political officials met with OTAQ technical experts for one hour and only asked questions about timing of the mid-term review.

The technical experts are uneasy but are continuing to work on the issue because “they haven't been told not to,” Becker says. However, there is no indication that their work will be used in any formal proposal or final decision on the MY22-25 standards.

'In A Pickle'

OTAQ Director Chris Grundler has sent mixed signals on his office's role as the Trump EPA focuses on deregulation, telling an annual automotive conference in early August in Michigan that there is a “golden opportunity” for the agency to work more cooperatively with industry, according to [local press reports](#).

But other sources say he is indicating private concerns over his staff's diminished role, including at an off-the-record conference in California, Asilomar 2017: Transportation Innovation & Policy in a Fragmenting World, which took place later in August.

A California source says Grundler was in the audience at that event, adding that it clear that OTAQ staff is “very uneasy with what is going on. They've spent years and years building up the record, developing the rules, doing the technical research, and California was part of that. And California said, 'We agree with the record, we think [the vehicle rules are] strong, we stand behind them and see no reason to make changes.' I'm sure OTAQ career staff has a similar sense.”

This source notes that the White House recently reached out for the first time to California Air Resources Board chairwoman Mary Nichols to being negotiating over the rules. But it is unclear on how sincere those talks will be, given that NHTSA's draft rule is expected to soon go to the White House and that Nichols is in Germany for the annual United Nations climate conference.

The California source does not believe the light-duty rules will change much in the end, in part because of strong public support for them. “Maybe the White House or Pruitt feel like they have to do something . . . but at the end of the day it is hard to see anything major happening.”

This source also suggests that automakers that originally sought to reopen the rules are now “in a pickle” because they only wanted small tweaks rather than a large rollback, particularly because they know the Golden State would not agree to such a move, resulting in separate standards for California and the rest of the country.

The White House is working behind the scenes to persuade automakers to oppose California, the source says, but adds that automakers are signaling to state officials that they do not intend to take that step.

The Alliance for Automobile Manufacturers did not respond to a request for comment.

The third environmentalist says the jury is still out on what happens with the light-duty rule. “The issue here is, we really don't know what's coming. . . . At this point it's really unclear how they would build a case that counters the existing case that the agency has already made, that the standards are not only appropriate but could be stronger.”

Yet, one industry source says that because of the “NHTSA ascendancy” -- signaled by the new schedule and White House statements that the DOT agency should have a more prominent role -- it certainly appears that EPA is poised to cede its technical expertise. That could include the modeling it uses to evaluate the rules, a step automakers have sought.

Also, this source and a former EPA source both say Wehrum could change the outcome at OTAQ.

“Wehrum is just getting there and staff feel like he is someone they know and trust. He is more conservative than many would like, but he is someone who has worked with staff and respected them, who understands the institution and how to get decisions made,” the industry source says. -- Dawn Reeves (dreeves@iwpnews.com) & Doug Obey (dobey@iwpnews.com)

Related News | [Transition 2016-2017](#) | [Air](#) | [Climate Policy Watch](#) |

207033

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

To: Wolverton, Ann[Wolverton.Ann@epa.gov]; McGartland, Al[McGartland.Al@epa.gov]
From: Hengst, Benjamin
Sent: Wed 10/25/2017 10:57:53 AM
Subject: Fw: EO 12866 Interagency Comments on EPA Glider NPRM
EO 12866 Review - EPA Repeal of Emission Requirements for Glider Vehicles - NPRM - 10_24_2017.docx

Basically, OMB asks for a bunch of analysis in these comments. We are waiting for further direction from our politicals on next steps.

From: Hengst, Benjamin
Sent: Wednesday, October 25, 2017 6:52 AM
To: Harlow, David; Baptist, Erik
Cc: Gunasekara, Mandy; Bolen, Brittany; Grundler, Christopher; Dunham, Sarah; Orlin, David; Kataoka, Mark; Charmley, William; Dravis, Samantha
Subject: Fw: EO 12866 Interagency Comments on EPA Glider NPRM

Attaching the interagency comments on the glider repeal NPRM that OMB sent over.

thanks,

Ben

From: Whiteman, Chad S. EOP/OMB <[REDACTED]> **Ex. 6 - Personal Privacy**
Sent: Tuesday, October 24, 2017 10:15 PM
To: Hengst, Benjamin
Cc: Sutton, Tia; Burch, Julia
Subject: EO 12866 Interagency Comments on EPA Glider NPRM

Ben,

Attached are EO 12866 interagency review comments on EPA's draft NPRM titled, "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits," RIN 2060-AT79.

Best Regards,

Chad

Chad Whiteman

Senior Policy Analyst, Office of Information and Regulatory Affairs

Office of Management and Budget | Executive Office of the President

Ex. 6 - Personal Privacy

To: Sutton, Tia[sutton.tia@epa.gov]
From: Hengst, Benjamin
Sent: Tue 9/26/2017 9:09:49 PM
Subject: FW: Follow-up/Gliders

From: Grundler, Christopher
Sent: Tuesday, September 26, 2017 5:06 PM
To: Cook, Leila <cook.leila@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Fwd: Follow-up/Gliders

Ex. 5 - Deliberative Process; Attorney Client

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

Begin forwarded message:

From: "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Date: September 26, 2017 at 4:58:24 PM EDT
To: "Grunder, Christopher" <grunder.christopher@epa.gov>, "Gunasekara, Mandy"

<Gunasekara.Mandy@epa.gov>, "Lewis, Josh" <Lewis.Josh@epa.gov>, "Charmley, William" <charmley.william@epa.gov>

Subject: Fwd: Follow-up/Gliders

Ex. 5 - Deliberative Process

Please let me know what is possible.

Begin forwarded message:

From: "Dunham, Sarah" <Dunham.Sarah@epa.gov>

Date: September 25, 2017 at 4:03:45 PM EDT

To: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>

Subject: Follow-up/Gliders

Hi Ryan (and Mandy)–

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Sarah

To: William Charmley (charmley.william@epa.gov)[charmley.william@epa.gov]
From: Hengst, Benjamin
Sent: Thur 8/17/2017 5:48:30 PM
Subject: FW: Trailer and Glider response letters

From: Kataoka, Mark
Sent: Thursday, August 17, 2017 10:30 AM
To: Baptist, Erik <baptist.erik@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>
Subject: RE: Trailer and Glider response letters

Erik,

Per Sue Chen and Eric Hostetler of DOJ-

Ex. 5 - Attorney Client; Attorney Work Product

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Kataoka, Mark

Sent: August 16, 2017 10:35 PM

To: Baptist, Erik <baptist.erik@epa.gov>

Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>

Subject: Re: Trailer and Glider response letters

Ex. 5 - Attorney Client; Attorney Work Product

Mark

Sent from my iPhone

On Aug 16, 2017, at 8:55 PM, Baptist, Erik <baptist.erik@epa.gov> wrote:

Mark,

Ex. 5 - Attorney Client; Attorney Work Product

Erik

Sent from my iPhone

On Aug 16, 2017, at 5:43 PM, Kataoka, Mark <Kataoka.Mark@epa.gov> wrote:

Trailer Litigation Update:

Ex. 5 - Attorney Client; Attorney Work Product

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Gunasekara, Mandy

Sent: August 16, 2017 12:29 PM

To: Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Glider response letter (revised draft), plus some other materials

Ex. 5 - Attorney Client

From: Schmidt, Lorie
Sent: Wednesday, August 16, 2017 11:31 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Glider response letter (revised draft), plus some other materials

Mandy

Ex. 5 - Attorney Client; Attorney Work Product

Lorie

Lorie Schmidt

Associate General Counsel, Air and Radiation

Office of General Counsel

US Environmental Protection Agency

(202)564-1681

From: Gunasekara, Mandy

Sent: Wednesday, August 16, 2017 11:03 AM

To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark
<Kataoka.Mark@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>

Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin
<schwab.justin@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Srinivasan,
Gautam <Srinivasan.Gautam@epa.gov>

Subject: RE: Glider response letter (revised draft), plus some other materials

My edits are included in the attached.

Ben, that is a good plan of action. In order to ensure coordination with OCIR and OPA, shoot us a note when everything is ready to go and then wait for the final greenlight before hitting send.

Please let me know of any questions and/or concerns with included edits.

Best,

Mandy

From: Hengst, Benjamin

Sent: Wednesday, August 16, 2017 9:25 AM

To: Kataoka, Mark <Kataoka.Mark@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>;
Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin
<schwab.justin@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Srinivasan,
Gautam <Srinivasan.Gautam@epa.gov>

Subject: RE: Glider response letter (revised draft), plus some other materials

All: here's the current version of the glider letter in redline.

Mandy – please let me know if you are OK with this and we'll get a clean version down through OAR today.

Ex. 5 - Attorney Client

Thanks

Ben

From: Kataoka, Mark

Sent: Tuesday, August 15, 2017 5:24 PM

To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Baptist, Erik

<baptist.erik@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin
<schwab.justin@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Srinivasan,
Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Glider response letter (revised draft), plus some other materials

Ex. 5 - Attorney Client

From: Kataoka, Mark
Sent: August 15, 2017 5:22 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Baptist, Erik
<baptist.erik@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin
<schwab.justin@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Srinivasan,
Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Glider response letter (revised draft), plus some other materials

Ex. 5 - Attorney Client

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Hengst, Benjamin
Sent: August 15, 2017 5:05 PM

To: Baptist, Erik <baptist.erik@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Re: Glider response letter (revised draft), plus some other materials

Hi folks. Please respond with any further edits to the document to this email chain. For some reason Lee's personal email address keeps popping up and it seems easier just to remove it from this chain altogether. Thanks. Ben

On Aug 15, 2017, at 4:26 PM, Baptist, Erik <baptist.erik@epa.gov> wrote:

Attached please find some suggested edits for your consideration.

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Hengst, Benjamin
Sent: Tuesday, August 15, 2017 10:02 AM
To: Baptist, Erik <baptist.erik@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Cc: Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; coockleila@ymail.com
Subject: FW: Glider response letter (revised draft), plus some other materials

Resending with corrected email for Lee Cook, Acting Office Director for OTAQ this week. Ben

Subject: Glider response letter (revised draft), plus some other materials

Hi folks—attached is an updated draft glider response letter for your review.

Please note that OGC career staff have not reviewed the draft letter yet (Mark was out; David is out). I'm copying Mark (who returns to the office today) and Lorie here so they have a chance to look at this as well.

Ex. 5 - Attorney Client

We'll move this letter once review has concluded. Thanks, Ben

<HD gliders intent to revisit 8.15.17 ecb.docx>

To: Orlin, David[Orlin.David@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]
Cc: Baptist, Erik[baptist.erik@epa.gov]
From: Harlow, David
Sent: Fri 10/20/2017 6:10:53 PM
Subject: Revised draft of gliders NPR
Repeal of Emission Requirements for Glider Vehicles - NPRM - 10.17.17 - Rev3.docx

Gentlemen,

Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

I think that's about it. Again, guys, I am most appreciative of your careful consideration of this. Thank you.

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

To: Sutton, Tia[sutton.tia@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Charmley, William[charmley.william@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]
From: Grundler, Christopher
Sent: Mon 4/23/2018 9:35:11 PM
Subject: RE: Glider upload update

interesting

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington, DC)

734.214.4207 (Ann Arbor, MI)

From: Sutton, Tia
Sent: Monday, April 23, 2018 5:23 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>
Subject: Glider upload update

Hi all,

Attorney Client; Deliberative Process

Attorney Client; Deliberative Process

Attorney Client; Deliberative Process

Thanks,

Tia